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Nos. 93-1456 and 93-1828

Supreme Court, U.S.

FILED

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OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

OCTOBER TERM, 1994

U.S. TERM LIMITS, INC., *et al.*,
v. *Petitioners,*

RAY THORNTON, *et al.*,
v. *Respondents.*

WINSTON BRYANT,
ATTORNEY GENERAL OF ARKANSAS,
v. *Petitioner,*

BOBBIE E. HILL, *et al.*,
v. *Respondents.*

On Writ of Certiorari to the
Supreme Court of Arkansas

JOINT APPENDIX

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PETITIONS FOR CERTIORARI FILED MARCH 17, 1994
AND MAY 16, 1994
CERTIORARI GRANTED JUNE 20, 1994

216 MP

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TABLE OF CONTENTS

	Page
Docket entries, Pulaski County Circuit Court, Second Division	1
Docket entries, United States District Court for the Eastern District of Arkansas	18
Docket entries, Supreme Court of Arkansas	25
Complaint (Nov. 13, 1992)	41
Answer of Congressman Ray Thornton (Jan. 19, 1993)	53
Motion To Intervene of State <i>ex rel.</i> Attorney General Winston Bryant (Jan. 22, 1993)	57
Answer of State <i>ex rel.</i> Attorney General (Jan. 22, 1993)	59
Answer of George O. Jernigan, Jr., and Democratic Party of Arkansas (Jan. 25, 1993)	61
Answer of Blanche Lambert (Jan. 25, 1993)	66
Amended Answer of State <i>ex rel.</i> Attorney General (Jan. 25, 1993)	68
Answer of Tim Hutchinson, Asa Hutchinson, and Republican Party of Arkansas (Jan. 25, 1993)	70
Motion To Intervene of Arkansans for Governmental Reform, Inc., <i>et al.</i> (Jan. 26, 1993)	72
Answer of Intervenors Arkansans for Governmental Reform, Inc., <i>et al.</i> (Jan. 26, 1993)	74
Answer of Congressman Jay Dickey (Feb. 1, 1993)	76
Response of Plaintiff to Motion To Dismiss of Jim Guy Tucker (Feb. 18, 1993)	79
Order Permitting Intervention of State <i>ex rel.</i> Attorney General (Feb. 10, 1993)	82
Answer of Senator David Pryor (Feb. 19, 1993)	84
Answer of Senator Dale Bumpers (Feb. 23, 1993)	87
Order Authorizing Intervention of Arkansans for Governmental Reform, Inc., <i>et al.</i> (Feb. 24, 1993)	90
Motion To Intervene of Americans for Term Limits and Steve Goss (Feb. 24, 1993)	91

TABLE OF CONTENTS—Continued

	Page
Answer of Intervenor Americans for Term Limits and Steve Goss (Feb. 24, 1993)	93
Notice of Removal (March 4, 1993)	95
Motion To Intervene of U.S. Term Limits Inc., <i>et al.</i> (March 26, 1993)	100
Affidavit of Jeffrey E. Langan (March 26, 1993) ..	101
Answer of Intervenor U.S. Term Limits, Inc., <i>et al.</i> (March 26, 1993)	104
Order of Remand (April 28, 1993)	107
Amended Complaint (June 2, 1993)	108
Answer to Amended Complaint and Cross-Complaint of George O. Jernigan and Democratic Party of Arkansas (June 18, 1993)	121
Answer of Arkansans for Governmental Reform, Inc. to Amended Complaint (June 18, 1993)	126
Answer of U.S. Term Limits, Inc., <i>et al.</i> , to Amended Complaint (June 18, 1993)	129
Answer of State <i>ex rel.</i> Attorney General to Amended Complaint (June 18, 1993)	133
Answer and Cross-Complaint of Ray Thornton to Amended Complaint (June 18, 1993)	136
Answer of Blanche Lambert to Amended Complaint (June 18, 1993)	142
Answer of Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson to Amended Complaint (June 18, 1993)	145
Order (Granting Intervention and Setting Schedule) (June 22, 1993)	147
Answer of Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson to Cross-Complaint (June 30, 1993)	149
Motion for Summary Judgment of U.S. Term Limits, Inc. (July 9, 1993)	150

TABLE OF CONTENTS—Continued

	Page
Motion for Summary Judgment of Plaintiffs (July 9, 1993)	152
Affidavit of Bobbie E. Hill (July 7, 1993)	154
Affidavit of Dick Herget (July 7, 1993)	156
Text of Amendment 73	158
Affidavit of Congressman Ray Thornton (July 9, 1993)	163
Election data: 1992 Initiative	164
Motion for Partial Summary Judgment of Ray Thornton (July 9, 1993)	167
Exhibits to Response of U.S. Term Limits, Inc., <i>et al.</i> , to Plaintiffs' Motion for Summary Judgment (July 23, 1993)	169
Election data: Thomas Dale Alford	169
Election data: James Strom Thurmond	172
Election data: Joseph Richard Skeen	175
Election data: Ron Packard	177
Letter on Behalf of Senator Dale Bumpers (July 27, 1993)	178
Conclusions of Law (July 29, 1993)	P.C.A. 45a
Transcript of Proceedings (Sept. 7, 1993)	181
Findings of Fact, Conclusions of Law and Final Order (Sept. 8, 1993)	P.C.A. 53a
Notice of Appeal of U.S. Term Limits, Inc., <i>et al.</i> (Sept. 14, 1993)	182
Notice of Appeal of Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson (Sept. 30, 1993)	184
Notice of Appeal of Americans for Term Limits and Steve Goss (Oct. 7, 1993)	185
Notice of Cross-Appeal (Oct. 7, 1993)	187
Notice of Appeal of George O. Jernigan, Jr. and Democratic Party of Arkansas (Oct. 8, 1993)	188

TABLE OF CONTENTS—Continued

	Page
Notice of Appeal of Arkansans for Governmental Reform, Inc. (Oct. 8, 1993)	190
Notice of Appeal of U.S. Term Limits, Inc., <i>et al.</i> (Oct. 25, 1993)	191
Notice of Appeal of State <i>ex rel.</i> Attorney General (Oct. 26, 1993)	193
Exhibits to Reply Brief of U.S. Term Limits, Inc., <i>et al.</i> (Feb. 7, 1994)	194
Massachusetts Res. of Nov. 19, 1788	194
Virginia Act of Nov. 20, 1788	194
New Jersey Act of Nov. 21, 1788	194
Maryland Act of Dec. 22, 1788	196
Georgia Act of Jan. 23, 1789	197
North Carolina Act of Dec. 16, 1789	198
Virginia Act of Dec. 26, 1792	198
Tennessee Act of Aug. 3, 1796	199
Affidavit of James S. Fay (Feb. 6, 1994)	200
Motion for Leave To File Exhibits (Feb. 8, 1994)	205
Order Granting Motions To Supplement Record and File Exhibits (Feb. 14, 1994)	206
Opinion and Judgment of Supreme Court of Arkansas (March 7, 1994)	P.C.A. 1a
Orders Denying Rehearing (March 14, 1994)	207
Order Allowing Certiorari (No. 93-1456) (June 20, 1994)	208
Order Allowing Certiorari (No. 93-1828) (June 20, 1994)	209

NOTICE

The following opinions have been omitted in printing this appendix because they appear on the following pages in the printed appendix to the petition for certiorari in No. 93-1456, which is incorporated herein by reference:

Item	Page in Appendix to Petition for Certiorari in No. 93-1456
Opinion of the Circuit Court of Pulaski County, Arkansas, July 29, 1993	45a
Opinion of the Circuit Court of Pulaski County, Arkansas, September 8, 1993	53a
Opinion of the Supreme Court of Arkansas, March 7, 1994	1a

Certificates of service whenever appended to documents appearing herein have been omitted in printing.



**PULASKI COUNTY CIRCUIT CLERK'S OFFICE
CIVIL DIVISION**

Docket No. 92-6171

BOBBIE E. HILL, *et al.*

v.

BILL CLINTON, *et al.*

DOCKET ENTRIES

DATE	PROCEEDINGS
11/13/92	HILL BOBBIE E. LEAGUE OF WOMEN VOTERS OF AR

vs.

CLINTON, BILL; TUCKER, JIM GUY; BRYANT, WINSTON; McCUEN, W J "BILL"; FISHER, JIMMIE LOU; JONES, JULIA HUGHES; DANIELS, CHARLIE; AR CONGRESSIONAL DELEGATION & MEMBERS; AR SENATE & MEMBERS; AR HOUSE OF REP & MEMBERS; REPUBLICAN PARTY OF AR; DEMOCRATIC PARTY OF AR; CLINTON, BILL; TUCKER, JIM GUY; BRYANT, WINSTON; McCUEN, W J BILL; FISHER, JIMMIE LOU; JONES, JULIA HUGHES; DANIELS, CHARLIE; RIABLE, MARK; HUTCHINSON, TIM; DICKEY, JAY; THORNTON, RAY; JERNIGAN, GEORGE; LAMBERT, BLANCHE; BUMPERS, DALE; PRYOR, DAVID; WALTERS, BILL; LANE, JAMES F; AR FOR GOVERNMENTAL REFORM INC; COOK, LAWRENCE; JACOB, TIMOTHY; MUNN, STEVE; EPPERSON, TIM; CURTIS, LANCE; KING, MILES; JAMISON, DAVID; MENDENHALL, SY; ULERY, TERESA; PETTY, EUAL; MUNN, TOMMY; WHITE,

DATE	PROCEEDINGS
	<p> JIMMY; McCOLLUM, DR BILL; TRUBEY, RICHARD; PERRY, LEON; BURKS, BRUCE; STUDDARD, HOWARD; CROW, J D; OLLAR, CLAUDIE RAY; TUCKER, GOVERNOR JIM GUY; BRYANT, ATTY GENERAL WINSTON; McCUEN, SEC OF STATE BILL; FISHER, TREASURER JIMMIE LOU; JONES, AUDITOR JULIA HUGHES; DANIELS, LAND COMM CHARLIE; U S TERM LIMITS INC; AR CONGRESSIONAL DELEGATION MEMBERS: BUMPERS, DALE; PRYOR, DAVID; ALEXAN- DER, BILL; THORNTON, RAY; ANTHONY, BERYL; HAMMERSCHMIDT, JOHN PAUL; LAMBERT, BLANCHE; HUTCHINSON, TIM; DICKEY, JAY; AR SENATE MEMBERS: SCOTT, JAMES C "JIM"; MOORE, JR, W D "BILL"; ROSS, MIKE; DOWD, WAYNE; CASSADY, NEELY; HOPKINS, GEORGE; ED- WARDS, JEAN C; BRADFORD, JAY; WAL- TERS, BILL; MILES, TRAVIS A; HARDIN, LU; CANADA, EUGENE "BUD"; CHAFFIN, CHARLIE COLE; SNYDER, VIC; JEWELL, JERRY D; HOOFMAN, CLIFF; RUSS, STAN- LEY; BEEBE, MIKE; LEWELLEN, ROY C "BILL"; EVERETT, MIKE; BELL, STEVE; GORDON, ALLEN; FITCH, JON S; HARRIMAN, MORRIL; BEARDEN, MIKE; BOOKOUT, JERRY; TODD, MIKE; WILSON, NICK; LUELF, STEVE; YATES, JOE E; MALONE, DAVID R; BELL, CLARENCE GIBSON, JACK ANDER- SON; HOWELL, MAX; PAGAN, JOHN; SMITH, KEVIN; KEET, JIM; GWATNEY, BILL; HOLI- MAN, REID AR HOUSE OF REPRESENTA- TIVES & MEMBERS; STEELE, RAILEY A; HINSHAW, JERRY E; McJUNKIN, LOUIS; STEWART, CHARLES W; FAIRCHILD, BOB; HUNTON, JERRY; THICKSTEN, EDWARD F; HENDRIX, B G; POLLAN, CAROLYN; BLAIR, JR, RALPH "BUDDY"; KING, JERRY D; RICE, W R "BUD"; MADDOX, ODE; WING </p>

DATE	PROCEEDINGS
	<p> FIELD, GUS; HORN, HOYE D; BEATTY, DAVID; CARTER, ARTHUR; WHORTON, JR CHARLES; WILLEMS, FRANK K; GEORGE, LLOYD R; WOOD, KEITH; WATTS, BOB J; BRYAN, L L "DOC"; HAWKINS, BRUCE; MULLENIX, TED E; ALLEN, JAMES C; PARKERSON, JOHN W; ARNOLD, BOB "SODY"; SMITH, JUDY; DAWSON, JOHN H; PURDOM, BILLY JOE; RORIE, ROGER L; THURMAN, RANDY; SANSON, W H "BILL"; STEPHENS, BILL; MITCHELL, LARRY; LANDERS, H LACY; EASLEY, VEO; NEWMAN, BOBBY G; MAHONY, JODIE; WYRICK, PHIL; JONES, MYRA; ARGUE, JR, JIM; WALKER, JR, WILLIAM L "BILL"; PRYOR, MARK; BROWN, IRMA HUNTER; HENRY, CAROL "COACH"; DIETZ, JAMES G; WOOD, DOUG; WILSON, MIKE; TOWNSEND, WILLIAM H; GOODWIN, LARRY; MILLER, JOHN E; CAPPS, JOHN PAUL; MILLER, J STRUGIS; WILKINS, JOSETTA E; ROBERTS, JACQUELINE J; SCHEXNAYDER, CHARLOTTE; McKISSACK, JIMMIE DON; DAVIS, MICHAEL K; BAKER, THOMAS G; COLLIER, ALBERT "TOM"; CALHOUN, V O "BUTCH"; NORTHCUTT, WANDA; JORDAN, JAMES T; MURPHY, N B "NAP"; HOLLAND, JIM; WOOLDRIDGE, TIM; WOOD, BOBBY G; HOGUE, BOBBY L; MILLER, OWEN; SHAVER, J L "JIM"; FLANAGIN, PAT; WAGNER, WAYNE; DAY, WALTER M; BROWNLEE, CHRISTENE; McGEE, BEN; McCUISTAN, JR, LLOYD C; McGINNIS, BOB; CUNNINGHAM, ERNEST; WILSON, JIMMIE L; GIBSON, BYNUM; HUTCHINSON, TIM; GILBERT, JAMES EDWARD "ED"; BARCLAY, RICHARD L "DICK"; PORTER, BILL D; MITCHUM, TOMMY E; ROBERTS, JAMES H "JIM"; MILLS, WILLIAM P "BILL"; TEAGUE ROBERT VAUGHN "BOB"; ROBERTS, DAVID E; GIVENS JR, ARTHUR "ART"; McCOY, </p>

DATE	PROCEEDINGS
	JACK H; TULLIS, ROBERT WAYNE "BOBBY"; LIPTON, JOHN M; TURNER, G W "BUDDY"; FORGEY, TOM; DOWD, TRAVIS; MORELAND, DANA A; VON, GREMP JIM; BISBEE, DAVE; BRYANT, RANDY; HALL, JOHN; HILL, JIM; YOUNG, DENNIS; CURRAN, ARMIL O; WALLIS, D R "BUDDY"; SHEID, VADA; WREN, GREG; STALNAKER, E RAY; RIABLE, MARK; BENNETT, DEE; MOLINARO, JOE; CHOATE, DAVID; FLETCHER, BILL; OWENS, MARIAN D; CASH, CLAUDE V; JERNIGAN JR, GEORGE O; HUTCHINSON, ASA; BINNS, LULA; McFARLIN, SHIRLEY; BIFFORD, RICHARD; JOHNSON, BONNIE; AMERICANS FOR TERM LIMITS; STEVE GOSS.
12/03/92	Answer Filed WALTERS BILL
12/08/92	MOTION FILED PLF FOR EXT OF TIME FOR DEFS TO ANS COMPL
12/09/92	Order GRANTING DEF EXT TIME RESP COMPL 12-15-92 - 2-92-1386
12/09/92	Answer and Claim AR SENATE & MEMBERS VS B CLINTON JIM GUY WINSTON BRYANT BILL MCCUEN J FISHER JULIA JONES C DANIELS
12/09/92	Answer and Claim AR HOUSE OF REP & MEMBERS VS B CLINTON J GUY TUCKER W BRYANT BILL MCCUEN J FISHER JULIA JONES C DANIELS
12/10/92	Order ORD ENTERED IS TO APPLY TO MEMBER OF AR GENERAL ASSEMBLY NOT YET RESP TO COMPL 2-92-1390
12/11/92	MOTION FILED DEF CLINTON TO DISMISS AS PARTY IN SUIT
12/11/92	Summons Returned Served RIABLE MARK
12/15/92	Answer Filed AR SENATE & MEMBERS AMD & SUB OF DEC 15

DATE	PROCEEDINGS
12/15/92	Answer Filed AR HOUSE OF REP & MEMBERS AMD & SUB OF DEC 15
12/17/92	Order GRANTING DEFS TUCKER PRYOR BUMPERS BRYANT THORNTON LAMBERT & JERIGAN EXT RESP TO COMPL 1-25-93 2-92-1431
12/18/92	Order GRANTING DEFS EXT TIME RESP TO COMPL 1-25-93 - 2-92-1438
12/29/92	Answer Filed RIABLE MARK
12/29/92	UNIFIED MEMBER RESP TO MOT TO DIS BILL CLINTON AS NAMED DEF
01/19/93	CONGRESSMAN RAY THORNTON ANS TO COMPLAINT
01/22/93	INTV AR EX REL ATTY GEN BRYANT BRIEF IN SUPP OF MOT TO INTERVENE AS DEF
01/22/93	INTV AR EX REL ATTY GEN BRYANT ANS TO COMPL
01/22/93	MOTION FILED STATE AR EX REL ATTY GEN BRYANT TO INTERVENE
01/25/93	MOTION FILED DEF JIM TUCKER TO DIS CRC FOR DECLARATORY JUD
01/25/93	DEF JIM TUCKER BRF IN SUP OF MOT TO DISM CRC
01/25/93	MOTION FILED DEF JIM TUCKER TO DIS- MISS
01/25/93	DEF JIM TUCKER BRIEF IN SUPP OF MOT TO DIS
01/25/93	INTV AR EX REL BRYANT ATTY GEN AMD ANS TO COM
01/25/93	MOTION FILED INTV AR EX REL BRYANT ATTY GEN TO AMD

DATE	PROCEEDINGS
01/25/93	Answer Filed DEMOCRATIC PARTY OF AR & GEORGE JERNIGAN
01/25/93	Answer Filed REPUBLICAN PARTY OF AR BY TIM & ASA HUTCHINSON
01/25/93	Answer Filed BLANCE LAMBERT US CONGRESSWOMAN ANS TO COMPL
01/25/93	MOTION FILED PLF AGREED ADDITION TIME FOR PRYOR & BUMPERS TO RESP TO COMPL
01/26/93	INTV AR FOR GOVERNMENTAL REFORM INC ANS COMPL
01/26/93	MOTION FILED INTV AR FOR GOVERNMENTAL REFORM INC
02/01/93	CONGRESSMAN JAY DICKEY ANS TO COMPL
02/02/93	Order GRANTING DEF DICKEY ADDTL TIME RESP TO COMPL TO 2-1-93 2-93-124
02/02/93	Order EXT TIME DEF PRYOR & BUMPERS TO RESP TO COMPL 2-25-93 2-93-125
02/05/93	UNIFIED MEMBERS RESP TO MOT TO DISMISS
02/08/93	PLF BRIEF IN OPPOSITION TO MOT TO DIS TUCKER
02/08/93	PLF HILL RESP TO MOT TO DIS DEF TUCKER
02/09/93	Order PERMITTING ATTY GEN WINSTON BRYANT TO INTV 2-93-170
02/11/93	HEARING *SET: 02/25/93 02:30 PM LETTER SENT 12-Feb-93
02/16/93	HEARING *SET: 03/11/93 08:30 AM LETTER SENT 18-Feb-93
02/17/93	DEFENDANT ADDRESS #28 250 STATE CAPITOL BUILDING

DATE	PROCEEDINGS
02/17/93	DEFENDANT ADDRESS #28 LITTLE ROCK, AR 72201
02/19/93	Answer Filed PRYOR DAVID
02/24/93	MOTION FILED AMERICANS FOR TERM LIMITS & STEVE GOSS TO ITV
02/24/93	Answer Filed BUMPERS DALE
02/24/93	Order AUTHORIZING INTERVENTIN [sic] 2-93-214
03/01/93	MOTION FILED UNIFIED MEMBERS FOR PARTIAL SUMM JUDG ON NON-SEVERA- BILITY
03/01/93	UNIFIED MEMBERS MEMO BRF IN SUP OF MOT S JUD
03/04/93	Case transferred from circuit ALL DEFEND- ANTS NOTICE OF REMOVAL
03/08/93	DEF DALE BUMPERS MEMO ON LMTD STATUS IN CASE
04/29/93	Case reopened or reinstated ALL DEFEND- ANTS REMAND FROM US DIST CT
04/30/93	HEARING *SET: 06/08/93 02:00 PM LETTER SENT 30-Apr-93
05/06/93	Additional Defendant Attorney WEB07
05/14/93	STATE OF AR MOT TO EXTEND TIME TO RESP
05/14/93	Order GRANTING INTV EXT OF TIME TO RESP 5-20-93 2-93-510
05/20/93	DEF/INTV RESP & OBJECTION OF MOT OF UNIFIED MEMBERS FOR PARTIAL SUM JUDG & BRIEF IN SUP
05/20/93	MOTION FILED STATES OF AR TO DISM CROSS COMPL OF UNIFIED MEMBERS

DATE	PROCEEDINGS
05/20/93	STATE OF AR BRIEF IN SUPP OF MOT TO DISM CRC
05/20/93	INTERVENORS BRIEF IN SUP OF MOT TO DISMISS CR COMPL OF UNIFIED MEMBERS
05/20/93	INTERVENORS RESP TO UNIFIED MEMBERS MOT FOR PARTIAL SUM JUDG ON NON SEVERABILITY
05/20/93	STATE OF AR BRIEF IN SUPP OF RESP TO MOT FOR PARTIAL SUMM JUD ON NON-SEVERABILITY
05/20/93	MOTION FILED INTERVENORS MOT TO DISM
05/20/93	DEF STATE OF AR BRIEF IN SUPP OF MOT TO DISM
05/20/93	MOTION FILED INTERVENOR STATE OF AR MOT TO DISM CRS CMLPT OF RAY THORNTON & THE DEMO PRY OF AR
05/20/93	INTERVENOR BRIEF IN SUP OF MOT TO DISM CROSS COMPLAINT
05/20/93	INTERVENOR MOT TO DISM CROSS-CLAIM OF JERNIGAN
05/25/93	PLF SUPP RESP IN OPPOSITION TO MOT OF US TERM LIMITS TO INTERVENE
06/02/93	INTERVENOR RESP TO PLF SUPP RESP IN OPPOSIT TO MOT OF DEF US TERM LIMITS TO INTERVENE
06/02/93	Amended Complaint PLF
06/02/93	PLF BOBBIE E HILL RESP TO MOT TO DISM COMPL
06/02/93	PLF BRF IN OPPOSITION TO MOT TO DISMISS

DATE	PROCEEDINGS
06/03/93	DEF/INTERVENORS RESP IN SUPP OF MOT TO DISM & BRIEF IN SUPP
06/07/93	RESP OF RAY THORNTON TO MOT TO DISM CROSS COMPLAINT
06/07/93	DEF GEORGE JERNIGAN JR & DEMOCRATIC PARTY RESP TO MOT TO DISM
06/08/93	DEF/CR CL G JERNIGAN & DEMO PTY BRF IN SUP OF RESP TO MOT TO DISMISS
06/08/93	STIPULATION FOR SUBS OF COUSEL FOR DEF RAY THORNTON BY ATTY MITCHELL WILLIAMS SELIG GATES & WOODARD
06/09/93	HEARING *SET: 09/08/93 08:30 AM LETTER SENT 16-Jun-93
06/09/93	HEARING *SET: 07/29/93 01:30 PM LETTER SENT 16-Jun-93
06/10/93	Additional Defendant Attorney HAR02
06/10/93	Additional Defendant Attorney HAR65
06/10/93	Additional Defendant Attorney GAR15
06/10/93	Additional Defendant Attorney WEB07
06/10/93	Additional Defendant Attorney BEL07
06/10/93	Additional Defendant Attorney ALL03
06/10/93	Additional Defendant Attorney WOO03
06/16/93	Answer and Claim UNIFIED MEMBERS HOUSE & SENATE & CLAIM FOR DECLARATORY JUD
06/18/93	Answer and Claim JERNIGAN JR GEORGE O VS GOV JIM GUT TUCKER ATTY GEN WINSTON BRYANT SEC OF STATE BILL MCCUEN TRES JIMMIE LOU FISHER AUDITOR JULIA HUGHES JONES LAND COMM CHARLIE DANIEL

DATE	PROCEEDINGS
06/18/93	Answer and Claim DEMOCRATIC PARTY VS SAME AS ABOVE
06/18/93	Answer Filed BRYANT WINSTON TO AMD
06/18/93	Answer and Claim THORNTON RAY
06/18/93	Answer Filed LAMBERT BLANCHE TO AMD
06/18/93	Intervenor filed AMERICANS FOR TERM LIM- ITS
06/18/93	Intervenor filed GOSS STEVE
06/18/93	Answer Filed AR FOR GOVERNMENTAL RE- FORM INC TO AMD
06/18/93	Answer Filed PRYOR DAVID TO AMD
06/18/93	Answer Filed REPUBLICAN PARTY OF AR TO AMD
06/18/93	Answer Filed HUTCHINSON TIM TO AMD
06/18/93	MOTION FILED AR FOR GOVERNMENTAL REFORM TO DISMISS AMD & CR COMPL & BRf IN SUP OF
06/18/93	Answer Filed US TERM LIMITS INC TO AMD
06/22/93	Order US TERM LIMITS GILBERT RICE SCHULTZ PLUMLEY AMER FOR TERM LIMITS GOSS MOTS TO INTERVENE GRANTED 2-93-610
06/24/93	Answer Filed DEF DAVID PRYOR TO CROSS COMPLT
06/24/93	Answer to Claim PLF REPLY TO CCL OF AMER TERM LIMITS & GOSS
06/24/93	Answer Filed PRYOR DAVID TO AMD COM- PLAINT
06/30/93	Answer to Claim THORNTON RAY TO AMD CROSS COMP
06/30/93	Answer to Claim JERNIGAN GEORGE O TO AMD CROSS COMP

DATE	PROCEEDINGS
06/30/93	Answer to Claim DEMOCRATIC PARTY OF AR TO AMD CROSS COMP
06/30/93	Answer to Claim REPUBLICAN PARTY OF AR TO CROSS COMP
06/30/93	Answer to Claim UNIFIED MEMBERS REPLY TO AMER TERM LIMITS CCL
07/01/93	PLF RESP & BRF IN OPPOSITION TO MOT TO DISM AMD COMPL
07/02/93	DEF JERNIGAN & DEMO PTY BRF IN SUP OF RESP TO DISM CR CL
07/02/93	DEF JERNIGAN & DEMO PTY RESP TO MOT TO DISM CR CL
07/09/93	MOTION FILED PLF FOR SUMM JUD
07/09/93	MOTION FILED PLF FOR SUMM JUD
07/09/93	MOTION FILED INTERVENOR STATE OF AR/BRYANT TO DISM CR CL OF UNIFIED MEMBERS TO AND COMPL
07/09/93	MOTION FILED INTERVENOR MOT TO DISM AMD COMPLAINT
07/09/93	THORNTON MOT FOR PARTIAL SUMMARY JUDG
07/09/93	PLF BRIEF IN SUPP OF MOT FOR SUMM JUDG
07/09/93	MOTION FILED DEF US TERM LIMITS MOT FOR SUMM JUDGMENT
07/09/93	DEF US TERM LIMITS BRF IN SUPP OF MOT FOR SUMM JUDGMENT
07/09/93	MOTION FILED CROSS CLAIMANT GEORGE JERNIGAN & THE DEMOCRATIC PARTY FOR SUMM JUD
07/09/93	MOTION FILED STATE OF AR TO DISM CCL OF DEF RAY THORTON TO AMD COMPL

DATE	PROCEEDINGS
07/09/93	MOTION FILED STATE OF AR TO DISM CR CL OF DEF JERNIGAN & DEMO PTY CL
07/09/93	MOTION FILED ST OF AR MOT TO DISM ALL DEF
07/14/93	MOTION FILED INTV WINSTON BRYANT FOR CT TO SET TIME FOR RESP TO MOTS FOR SUMM JUD
07/14/93	Order SETTING TIME FOR RESP TO MOT FOR SUMM JUD 7-28-93 2-93-684
07/16/93	NOT OF DEPO TO SHERRY BARTLEY STEVE ENGSTROM ELIZABETH ROBBEN & STU- ART JACKSON
07/19/93	MOTION FILED DEF/INTERVENOR FOR AD- MISSION PRO HAC VICE
07/20/93	MOTION FILED PLF FOR PROTECTIVE ORD
07/20/93	PLF BRF IN SUP OF MOT FOR PROTECTIVE ORD
07/21/93	MOTION FILED RAY THORNTON FOR PRO- TECTIVE ORD
07/21/93	RAY THORNTON BRIEF IN SUPP OF PRO- TECTIVE ORD
07/22/93	MOTION FILED DEF JERNIGAN FOR PRO- TECTIVE ORD
07/22/93	GEO JERNIGAN BRIEF IN SUPP OF MOT FOR PROT OR
07/23/93	PLF BRF IN OPPOSITION TO MOT TO DISM UNNAMES CITIZENS LEAGUE OF WOMEN & ALL DEF NAMED IN AMD COMPL
07/23/93	PLF RESP IN OPPOSITION TO MOT TO DIS- MISS UNNAMED CITIZENS LEAGUE OF WOMEN & ALL DEF NAMED IN AMD COMPL

DATE	PROCEEDINGS
07/23/93	PLF RESP IN OPPOSITION TO MOT TO DISM AMD
07/23/93	PLF BRF IN OPPOSITION TO MOT TO DISM AMD
07/23/93	PLF RESP IN OPPOSITION TO US TERM MOT FOR SUM JUDG UNDER COUNTS 1-4 OF AMD COMPL
07/23/93	PLF BRF IN OPPOSITION TO US TERM MOT FOR SUM SUM JUDG UNDER COUNTS 1-4 OF AMD COMPL
07/23/93	DEF US TERM LIMITS RESP TO PLF MOT FOR SUMJUD
07/23/93	DEF US TERM LIMITS RESP TO DEF/CR CL THORNTON MOT FOR PART SUM JUD
07/23/93	DEF US TERM LIMITS RESP TO MOT FOR SUM JUG OF G JERNIGAN & DEMOCRATIC PARTY
07/23/93	Answer Filed DEMOCRATIC PARTY TO CCL OF AMER FOR TERM
07/23/93	Answer Filed JERNIGAN ANS TO CCL OF AMER FOR TERM LIMITS & STEVE GOSS
07/26/93	G JERNIGAN & DEMO PTY RESP TO MOT TO DIMS CR CL & MOT TO DISM ALL DEF NAMED IN AMD COMPL
07/26/93	G JERNIGAN & DEMO PTY BRF IN SUP OF RESP TO MOT TO DISM CR CL & DISM ALL DEF IN AMD
07/26/93	MOTION FILED C D MITCHELL FOR ADMIS- SION PRO HAC VICE
07/27/93	MOTION FILED STATE OF AR ATTY GEN- ERAL WINSTON BRYANT TO REALIGN THE PARTIES TO ESTABLISH PROCED- URAL GUIDELINES & MAKE FINDINGS ON PENDING MOT

DATE	PROCEEDINGS
07/27/93	Order DEPO NOT BY DEF INTERV AR FOR GOV SHALL NOT BE HAD BY 7-23-93 PARTIES DIRECTED TO CONFER 2-93-722
07/28/93	LETTER TO CLERK FROM ATTY FOR DALE BUMPERS REGARDING ANSWERING AMENDED COMPLAINTS
07/28/93	UNIFIED MEMBERS RESP TO MOT TO DISM CROSS CLM
07/28/93	Cross Complaint filed UNIFIED MEMBERS 1ST AMENDED CROSS CLAIM
07/28/93	U S TERM LIMITS INC ET AL REPLY MEMO IN SUPP OF MOT FOR SUMM JUD
07/28/93	THORNTON RESP TO MOT TO DIS CROSS-CLAIM TO AMD COMPL
07/28/93	DEF DEMO & JERNIGAN BENCH MEMOI REGARDING 1ST AMD ISSUES
07/28/93	STATE OF AR RESP TO MOT FOR SUMM JUD BY GEO JERNIGAN & DEMOCRATIC PARTY & BRIEF IN SUPP
07/28/93	STATE OF AR RESP TO MOT FOR SUMM JUD BY RAY
07/28/93	PLF REPLY TO RSP OF US TERM TO PLF MOT SUMMJU THORNTON & BRIEF IN SUPP
07/28/93	STATE OF AR RESP TO MOT FOR SUMM JUD BY US TERM LIMITS
07/28/93	STATE OF AR RESP TO MOT FOR SUMM JUD BY PLFS
07/28/93	STATE OF AR BRIEF IN OPPOSITION TO MOT FOR SUMM JUD OF PLF
07/28/93	ARKANSANS FOR GOV REFORM OBJECTION TO MOTS FO SUMM JUD BY PLFS & GEO JERNIGAN & RAY THORNTON & BRIEF IN SUPP OF OBJECTION

DATE	PROCEEDINGS
07/29/93	Order MOT OF CLETA D MITCHELL GRANTED 2-93-723
07/30/93	Order GRANTS MOT JOHN KESTER TO AP- PEAR 2-93-729
07/30/93	Order CONCLUSIONS OF LAW-TERM LIMITS RULED UNCONSTITUTIONAL 2-93-728
08/16/93	HEARING *SET: 08/26/93 01:30 PM LETTER SENT 16-Aug-93
08/18/93	ATTY GENERAL BRYANT BRIEF IN SUPP OF MOT TO DISM CERTAIN PARTIES
08/18/93	MOTION FILED ATTY GENERAL BRYANT MOT TO DISM CERTAIN PARTIES
08/18/93	ATTY GENERAL BRYANT TO DISM AS TO THE ENACTING CLAUSE OF THE INITI- ATIVE PETITION FOR LACK JURISDIC- TION
08/18/93	ATTY GENERAL BRYANT BRIEF IN SUPP OF MOT TO DISM
08/23/93	HEARING *SET: 09/07/93 01:30 PM LETTER SENT 31-Aug-93
08/26/93	PLF BRIEF IN OPPOSITION TO MOT TO DIS AS TO ENACTING CLAUSE OF INITIATIVE PETITION FOR LACK OF JURISDICTION
08/26/93	PLF RESP TO MOT TO DIS CERTAIN PAR- TIES
08/26/93	PLF BRIEF IN OPPOSITION TO MOT TO DIS
08/26/93	PLF RESP TO MOT TO DIS AS TO ENACTING CLAUSE OF INITIATIVE PETITION FOR LACK OF JURISDI
08/26/93	DEF/INTER AR FOR GOVERNMENTAL RE- FORM RESP TO
08/26/93	Additional Defendant Attorney FRANK WILLS FOR AR FOR GOVERNMENTAL REFORM STATE OF AR MOT TO DISMISS

DATE	PROCEEDINGS
08/27/93	Judgment Appealed ARKANSANS FOR GOV- ERNMENTAL REFORMS
08/30/93	Judgment Appealed STATE OF AR EX REL ATTY GENERAL WINSTON WINSTON
09/01/93	MOTION FILED DEF US TERM LIMITS JOIN- DER IN MOT TO DISM FOR LACK OF JU- RISDICTION
09/02/93	DEF STATE OF AR BY BRYANT RESP TO OPPOSITION TO MOT TO DISM CERTAIN PARTIES
09/02/93	RESP OF STATE TO PLF RESP TO MOT TO DISM AS TO THE ENACTING CLAUSE OF THE INITIATIVE PETITION FOR LACK OF JURISDICTION
09/02/93	AR FOR GOVERNMENTAL REFORM REQ FOR FINDINGS OF FACT
09/03/93	REPLY OF US TERM LIMITS ET AL TO PLF RESP TO MOT TO DISM AS TO THE EN- ACTING CLAUSE
09/08/93	Disposition by Order ALL DEFENDANTS FINAL ORD OF FINDINGS 2-93-842
09/14/93	Judgment Appealed INTERVENORS
09/17/93	MOTION FILED MOT TO MAKE FINDINGS
09/17/93	MOTION FILED INTV STATE TO MAKE FINDINGS
09/17/93	INTV STATE BRIEF IN SUPP OF MOT
09/22/93	AMENDED DESIGNATION OF RECORD
09/23/93	PLF RESP TO STATE MOT TO MAKE FIND- INGS
09/23/93	PLF BRIEF IN SUPP OF PLF RESP TO STATE MOT TO MAKE FINDINGS

DATE	PROCEEDINGS
09/27/93	Order DENYING MOT FOR FINDINGS OF FACT UNDER RULE 52 OF ARCP 2-93-890
09/30/93	Judgment Appealed INTERVENOR/DEFENDANT REPUBLICAN PARTY
10/01/93	Judgment Appealed DEF MEMBERS OF AR SENATE & AR HOUSE
10/07/93	Judgment Appealed PLF CROSS-APPEAL
10/07/93	Judgment Appealed INTERVENORS DEFS APPELLANTS AMERICANS FOR TERM LIMITS & STEVE GOSS & STATEMENT OF POINTS TO BE RELIED UPON
10/08/93	Judgment Appealed DEFS JERNIGAN & DEMOCRATIC PARTY OF AR
10/08/93	Judgment Appealed AR FOR GOVERNMENTAL REFORM INC
10/25/93	Judgment Appealed US TERM LIMITS INC ET AL
10/26/93	Judgment Appealed STATE OF AR EX REL ATTY GEN WINSTON BRYANT
10/26/93	Judgment Appealed AMD
11/22/93	APPEAL TRANSCRIPT LODGED AT SUPREME COURT
01/11/94	ABSTRACT & BRIEF OF APPELLANTS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
(LITTLE ROCK)

HILL

v.

CLINTON, *et al.*

CIVIL DOCKET FOR CASE NO.: 93-CV-157

Filed: 03/04/93

Nature of Suit: 890

Jurisdiction: Federal Question

Assigned to: Chief Judge Stephen M. Reasoner

Demand: \$0,000

Lead Docket: None

Dkt No. in Pulaski Cty Circuit: is 92-6171

Cause: 28:1441 Petition for Removal

* * * *

DOCKET ENTRIES

DATE	PROCEEDINGS
3/4/93	1 Notice of petition for removal from Pulaski Cty Circuit Court, 2nd Division; Case Number: 92-6171 (kp) [Entry date 03/09/93]
3/4/93	— COMPLAINT from Pulaski County Circuit Court (kp) [Entry date 03/09/93]
3/4/93	— ORDER permitting the Intervention of the State of Arkansas Ex Rel. Attorney General Winston Bryant as a defendant (cc: all counsel) (kp) [Entry date 03/09/93] [Edit date 03/17/93]

DATE	NR.	PROCEEDINGS
3/4/93	—	ANSWER by defendant Bill Walters (bw) [Entry date 03/15/93]
3/4/93	—	ANSWER by certain defendant Members of the Arkansas General Assembly; Cross Complaint against the Arkansas "Constitutional" Officers (bw) [Entry date 03/15/93] [Edit date 03/17/93]
3/4/93	—	MOTION by defendant Bill Clinton to dismiss (bw) [Entry date 03/15/93]
3/4/93	—	AMENDED ANSWER w/cross complaint by certain defendant Members of the Arkansas General Assembly (bw) [Entry date 03/15/93] [Edit date 03/17/93]
3/4/93	—	ANSWER by defendant Mark Riabie (bw) [Entry date 03/17/93]
3/4/93	—	RESPONSE by certain defendants of the Arkansas General Assembly to motion to dismiss of Bill Clinton [0-1] (bw) [Entry date 03/17/93] [Edit date 03/18/93]
3/4/93	—	ANSWER w/Cross-Complaint by defendant Ray Thornton (bw) [Entry date 03/17/93]
3/4/93	—	ANSWER to Complaint by intervenor-defendant State of Arkansas Ex Rel. Winston Bryant Attorney General (bw) [Entry date 03/17/93]
3/4/93	—	AMENDED ANSWER to Complaint by intervenor-defendant State of Arkansas (bw) [Entry date 03/17/93]
3/4/93	—	ANSWER by defendant Blanche Lambert (bw) [Entry date 03/17/93]
3/4/93	—	ANSWER by defendants George O Jernigan Jr and Arkansas Democratic; Cross-Complaint against defendants Tucker, Bryant, McCuen, Fisher, Jones and Daniels (bw) [Entry date 03/17/93] [Edit date 03/17/93]

DATE	NR.	PROCEEDINGS
3/4/93	—	MOTION by defendant Jim Guy Tucker to dismiss (bw) [Entry date 03/17/93]
3/4/93	—	BRIEF by defendant Jim Guy Tucker in support of motion to dismiss [0-1] (bw) [Entry date 03/17/93]
3/4/93	—	MOTION by defendant Jim Guy Tucker to dismiss cross-complaint filed by certain Members of the Arkansas General Assembly (bw) [Entry date 03/17/93]
3/4/93	—	BRIEF by defendant Tucker in support of motion to dismiss cross-complaint [0-1] (bw) [Entry date 03/17/93]
3/4/93	—	ANSWER by defendants Tim Hutchinson, Asa Hutchinson and the Arkansas Republican Party (bw) [Entry date 03/17/93]
3/4/93	—	MOTION to intervene as defts by Arkansans for Governmental Reform, Lawrence Cook, Timothy Jacob, Steve Munn, Tim Epperson, Lance Curtis, Miles King, David Jamison, Sy Mendenhall, Teresa Ulery, Eual Petty, Tommy Munn, Tommy White, Bill McCollum, Richard Trubey, Leon Perry, Bruce Burks, Howard Studdard, J D Crow and Claudie Ray Ollar (bw) [Entry date 03/18/93]
3/4/93	—	ANSWER of Arkansans for Governmental Reform intervenors (bw) [Entry date 03/18/93]
3/4/93	—	ANSWER by defendant Jay Dickey (bw) [Entry date 03/18/93]
3/4/93	—	RESPONSE by certain defendants of the Arkansas General Assembly to motion to dismiss of Jim Guy Tucker [0-1] (bw) [Entry date 03/18/93]
3/4/93	—	RESPONSE by plaintiff to motion to dismiss of Jim Guy Tucker [0-1] (bw) [Entry date 03/18/93]

DATE	NR.	PROCEEDINGS
3/4/93	—	ANSWER by defendant David Pryor (bw) [Entry date 03/18/93]
3/4/93	—	ANSWER by defendant Dale Bumpers (bw) [Entry date 03/18/93]
3/4/93	—	ORDER granting the motion to intervene as defendants of Arkansans for Governmental Reform et al [0-1] (cc: all counsel) (bw) [Entry date 03/18/93]
3/4/93	—	MOTION by certain Members of the Arkansas General Assembly defendants for partial summary judgment on the issue of non-severability (bw) [Entry date 03/18/93]
3/4/93	—	BRIEF in support of motion for partial summary judgment on the issue of non-severability [0-1] (bw) [Entry date 03/18/93]
3/4/93	—	MEMORANDUM of defendant Senator Dale Bumpers on limited status in case (bw) [Entry date 03/18/93]
3/4/93	—	MOTION to intervene as defendants by Americans for Term Limits and Steve Goss (bw) [Entry date 03/18/93]
3/4/93	2	NOTICE of Removal by intervenor defendant State of Arkansas (bw) [Entry date 03/18/93]
3/4/93	3	Consent to Removal by intervenor defendant Arkansans for Governmental Reform (bw) [Entry date 03/18/93]
3/5/93	4	MOTION by intervenor defendant Arkansas, State of to extend time to file responses to all motions (kp) [Entry date 03/11/93]
3/15/93	5	MOTION by plaintiff to remand (bw) [Entry date 03/18/93]
3/15/93	6	BRIEF by plaintiff in support of motion to remand [5-1] (bw) [Entry date 03/18/93]

DATE	NR.	PROCEEDINGS
3/19/93	7	NOTICE by defts Tim Hutchinson, Asa Hutchinson, and Arkansas Republican of filing consent to removal (bt) [Entry date 03/22/93]
3/19/93	8	NOTICE by defendant Jay Dickey of filing consent to removal (bt) [Entry date 03/22/93]
3/29/93	9	MOTION by intervenor defendant Arkansas, State of to extend time to file resp to pltf's motion to remand (bt)
3/29/93	10	MOTION by movants to intervene as party defts (bt)
3/29/93	11	MEMORANDUM by movants in support of motion to intervene as party defts [10-1] (bt)
3/29/93	12	AFFIDAVIT of Jeffrey E. Langan regarding motion to intervene as party defts [10-1] (bt)
3/31/93	13	ORDER by Chief Judge Stephen M. Reasoner granting motion to extend time to file resp to pltf's motion to remand until 4/12/93 [9-1] [5-1] (cc: all counsel) (bt) [Entry date 04/01/93]
4/1/93	14	RESPONSE by plaintiff to motion for extension of time to respond to motion to remand (bt) [Entry date 04/02/93]
4/5/93	15	MOTION by the Unified members Mike Bearden, Mike Beebe and Clarence Bell, et al for remand (bt)
4/5/93	16	MEMORANDUM by the Unified Members Mike Bearden, Mike Beebe and Clarence Bell, et al in support of motion for full or partial remand [15-1] (bt)
4/6/93	17	ORDER by Chief Judge Stephen M. Reasoner scheduling hearing on 4/22/93 at 1:30; the Court will limit arguments of counsel on the following motions: to remand [5-1], to dismiss [0-1], and to intervene as defendants [0-1] [10-1] (cc: all counsel) (bt) [Entry date 04/07/93]

DATE	NR.	PROCEEDINGS
4/6/93	18	RESPONSE by the Unified Members to motion to intervene as party defts [10-1] (bt) [Entry date 04/07/93]
4/8/93	19	RESPONSE by plaintiff to motion to intervene as party defts [10-1] (bt) [Entry date 04/09/93]
4/8/93	20	BRIEF by plaintiff in opposition to motion to intervene [19-1] (bt) [Entry date 04/09/93]
4/12/93	21	OBJECTIONS by Arkansans for Governmental Reform to motion to remand of Bobbie Hill [5-1] (vjt) [Entry date 04/13/93]
4/12/93	21	OBJECTION RESPONSE by Arkansans for Governmental Reform to motion to remand of Bobbie Hill [5-1] (vjt) [Entry date 04/21/93]
4/15/93	22	RESPONSE by intervenor defendant Arkansas, State of to motion to remand [5-1] [15-1] (bt) [Entry date 04/16/93]
4/19/93	23	RESPONSE by intervenor defendant Arkansans Government to motion for full or partial remand [15-1] (bt) [Entry date 04/20/93]
4/19/93	24	RESPONSE by plaintiff to motion to intervene as defendants [0-1] (bt) [Entry date 04/20/93]
4/19/93	25	BRIEF by plaintiff in opposition to motion to intervene of Americans for Terms Limits and Steve Goss [24-1] (bt) [Entry date 04/20/93]
4/20/93	26	REPLY by movants U S Term Limits Inc, Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley in support of motion to intervene [10-1] (bt)
4/20/93	27	REPLY by plaintiff in support of motion to remand [5-1] (bt) [Entry date 04/21/93]

DATE	NR.	PROCEEDINGS
4/22/93	28	ORDER by Chief Judge Stephen M. Reasoner rescheduling hearing for 4/29/93 at 1:00 on the following motions: to intervene [10-1] [0-1], to dismiss [0-1] and to remand [5-1] (cc: all counsel) EOD 4/22/93 (bt)
4/23/93	29	ORDER (DOC) rescheduling hearing on 4/27/93 at 1:00 for the following motions: to intervene as defendants [0-1] [10-1], to dismiss [0-1] and to remand [5-1] (cc: all counsel) EOD 4/23/93 (bt)
4/26/93	30	MOTION by movants U S Term Limits Inc, Frank Gilbert, Greg Rice, Lon Schultz, Spencer Plumley for leave to file memorandum regarding motions to remand (bt)
4/26/93	31	MOTION by defendant David Pryor to substitute attorney Timothy W. Grooms or John E. Tull, III in place of Peter G. Kumpe (bt)
4/27/93	32	CLERK'S MINUTES: A hearing was held at 1 p.m. on Tues, 4-27-93, and at the conclusion of the hearing the Court granted plaintiffs' motion to remand filed 3-15-93. Order to be entered. (sjb) [Entry date 04/28/93]
4/28/93	33	ORDER by Chief Judge Stephen M. Reasoner granting motion to remand [5-1] and remanding case to Circuit Court of Pulaski County (cc: all counsel) EOD 4/28/93 (bt)
8/20/93	34	COURT reporter's transcript of hearing before Judge Reasoner on 4/27/93 (1 volume) (bt)

**ARKANSAS SUPREME COURT
& COURT OF APPEALS**

Case Number 93 01240

U.S. TERM LIMITS INC. *et al*

vs.

BOBBIE E. HILL *et al*

PARTIES

U.S. TERM LIMITS INC. ET AL	Primary Appellant
FRANK GILBERT	Appellant
GREG RICE	Appellant
LON SCHULTZ	Appellant
SPENCER PLUMLEY	Appellant
BOBBIE E. HILL ET AL	Primary Appellee
GOV. JIM GUY TUCKER	Appellee [<i>sic</i>]
STATE OF ARKANSAS EX REL. ATTY. GEN. W. BRYANT	Appellee [<i>sic</i>]
ARKANSANS FOR GOVERNMENT REFORM	Appellee [<i>sic</i>]
GEORGE O. JERNIGAN, JR & THE DEMOCRATIC PARTY	Appellee
THE LEAGUE OF WOMEN VOTERS	Appellee [<i>sic</i>]

DOCKET ENTRIES

DATE	PROCEEDINGS
11/22/1993	Lower Court Information Lower Court—601062 Pulaski Circuit, Second Division Case Number—CV92-6171 Judge Name—CHRIS PIAZZA

DATE	PROCEEDINGS
	Print Case Card Transcript Filed Nbr of Volumes—004 Exhibits Filed—N Notice of Transcript Filed
12/07/1993	Print Case Card
12/09/1993	Appellants' Motion for Admission Pro Hac Vice. U.S. TERM LIMITS INC. ET AL—Primary Appellant MR. H. WILLIAM ALLEN Appellants' Motion for Admission Pro Hac Vice. Served. 1-10-94. Appellant's motion for admission pro hac vice is granted. Holt, C.J. and Corbin, JJ., not participating. Submit Date—01/03/1994 Action Date—01/10/1994 Action—Granted Motion for an Expansion of Page Limits for U.S. U.S. TERM LIMITS INC ET AL—Primary Appellant JOHN G. KESTER Motion for an Expansion of Page Limits for U.S. Term Limits, Inc., et al with Mem- orandum of Authorities in support of Mo- tion for an Expansion of Page Limits. 1-10-94. Appellant's motion to file enlarged brief is granted. Holt, C.J., and Glaze and Corbin, JJ., not participating. Submit Date—01/03/1994 Action Date—01/10/1994 Action—Granted

DATE	PROCEEDINGS
12/13/1994	<p data-bbox="377 360 662 391">Motion to Expedite</p> <p data-bbox="410 409 1087 479">BOBBIE E. HILL ET AL—Primary Appellee MS. ELIZABETH J. ROBBEN</p> <p data-bbox="445 495 1087 566">12-13-93. Brief in support of appellees Hill and Herget's Motion to Expedite. Served.</p> <p data-bbox="445 582 1087 768">1-10-94. Appellee's motion to expedite briefing schedule and avace [<i>sic</i>] for oral argument and submission is granted. Holt, C.J., and Glaze and Corbin, JJ., not participating.</p> <p data-bbox="445 784 1087 959">1-18-94. Appellees' briefs dued [<i>sic</i>] to be filed on January 31. Appellants' reply briefs due to be filed on February 5. Oral argument set for February 14, 1994.</p> <p data-bbox="417 979 808 1010">Submit Date—01/03/1994</p> <p data-bbox="417 1030 803 1060">Action Date—01/10/1994</p> <p data-bbox="417 1080 667 1110">Action—Granted</p>
12/17/1993	<p data-bbox="385 1137 1099 1207">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="452 1217 1099 1288">Agreement to Remittal of Disqualification filed by Richard Hatfield.</p>
12/20/1993	<p data-bbox="385 1318 1099 1389">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="452 1399 1099 1469">Agreement to Remittal of Disqualification filed by Doyle L. Webb.</p> <p data-bbox="391 1479 1099 1550">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="452 1560 1099 1630">Agreement to Remittal of Disqualification filed by Elizabeth J. Robben.</p> <p data-bbox="391 1641 1099 1711">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="452 1721 1099 1792">Agreement to Remittal of Disqualification filed by W. Asa Hutchinson.</p>

DATE	PROCEEDINGS
12/21/1993	<p data-bbox="473 338 825 368">7 Day Clerks Extension</p> <p data-bbox="506 389 1179 459">BOBBIE E. HILL ET AL—Primary Appellee MR. FRANK J. WILLS</p> <p data-bbox="506 479 890 510">Action Date—12/21/1993</p> <p data-bbox="506 530 754 560">Action—Granted</p> <p data-bbox="506 580 937 610">Extension Date—01/08/1994</p> <p data-bbox="473 631 1179 701">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="538 711 1179 782">Agreement to Remittal of Disqualification filed by Scott Daniel.</p> <p data-bbox="473 792 1179 862">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="538 872 1179 943">Agreement to Remittal of Disqualification filed by Karen Garnett.</p>
12/22/1993	<p data-bbox="464 953 847 983">Noted for Oral Argument</p> <p data-bbox="499 1003 1179 1074">U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p data-bbox="499 1094 793 1124">JOHN G. KESTER</p> <p data-bbox="464 1145 1179 1215">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="529 1225 1179 1296">Agreement to Remittal of Disqualification filed by Timothy W. Grooms.</p> <p data-bbox="464 1306 1179 1376">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="529 1387 1179 1457">Agreement to Remittal of Disqualification filed by Stephen Engstrom.</p>
12/27/1993	<p data-bbox="458 1477 1179 1548">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="525 1558 1179 1628">Agreement to Remittal of Disqualification filed by Sherry P. Bartley.</p> <p data-bbox="458 1639 1179 1709">Agreement to Remittal of Disqualification filed by</p> <p data-bbox="525 1719 1179 1790">Agreement to Remittal of Disqualification filed by Morgan Frankel.</p>

DATE	PROCEEDINGS
01/05/1994	<p>Ernie Wright appointed Spl. Justice.</p> <p>Ernie Wright appointed Spl. Justice.</p> <p>George Cracraft appointed Spl. Justice.</p> <p>George Cracraft appointed Spl. Justice.</p>
01/10/1994	<p>Appellant's Brief Tendered</p> <p>U.S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p>JOHN G. KESTER</p> <p>Only 2 Copies.</p> <p>Appellant's Brief Filed</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. DOYLE L. WEBB II</p> <p>Appellant's Brief Filed</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>KAREN JAY GARNETT</p> <p>Appellant's Brief Tendered</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. JAMES FRANKLIN LANE</p> <p>Enlarged.</p> <p>Appellant's Brief Tendered</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. RICHARD FRANKLIN HATFIELD</p> <p>Enlarged.</p> <p>Motion to File Enlarged Brief</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. RICHARD FRANKLIN HATFIELD</p> <p>1-10-94. Motion of the State of Arkansas to Expand the Length of Argument in its Appeal Brief. Served.</p> <p>Submit Date—01/18/1994</p>

DATE	PROCEEDINGS
	Action Date—01/18/1994 Action—Granted Motion to File Enlarged Brief BOBBIE E. HILL ET AL—Primary Appellee MR. FRANK J. WILLS Submit Date—01/18/1994 Action Date—01/18/1994 Action—Granted Appellant's Brief Filed GOV. JIM GUY TUCKER—Appellee MR. STEPHEN C. ENGSTROM Appellant's Brief Filed STATE OF ARKANSAS EX. REL. ATTY. GEN. W. BRYANT—Appellee MR. JOHN TRENTON HARMON Transcript Checkout by Atty. 4 vols. Nbr of Volumes—004 Exhibits Filed—N Letter Orders—Supreme Court Letter Orders—Supreme Court Letter Orders—Supreme Court Letter Orders—Supreme Court Letter Orders—Supreme Court
01/12/1994	Gerald Brown appointed Spl. Justice. Gerald Brown appointed Spl. Justice.
01/13/1994	Appellant's Brief Filed U. S. TERM LIMITS INC. ET AL—Primary Appellant JOHN G. KESTER

DATE	PROCEEDINGS
01/18/1994	<p>Agreement to Remittal of Disqualification filed by</p> <p>Agreement to Remittal of Disqualification filed by Cleta D. Mitcheil. Moot. Late</p> <p>Letter Orders—Supreme Court</p>
01/19/1994	<p>Print Case Card</p> <p>Letter Orders—Supreme Court</p>
01/21/1994	<p>Motion to File Enlarged Brief</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>JEFFREY HINES MOORE</p> <p>1-21-94. Motion to file enlarged brief and memorandum of authorities in support of motion to file enlarged brief. Served.</p> <p>2-7-94. Appellees' motion to file enlarged brief is granted. Dudley, J., would deny. (Brief filed 1-31-94)</p> <p>Action Date—02/07/1994</p> <p>Action—Granted</p>
01/24/1994	<p>Appellant's Brief Filed</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. FRANK J. WILLS</p> <p>Applt. Brfs. mailed to Spl. Justices.</p> <p>Applt. Brfs. mailed to Spl. Justices.</p>
01/25/1994	<p>Appellant's Brief Filed</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. RICHARD FRANKLIN HATFIELD</p> <p>2-7-94. Letter from Stephen Engstrom: The Unified Members waive the filing of a reply brief on their appeal. In light of the fact cross-appellants Hill and Hergert have covered these issues in their brief the Unified Members see no reason to duplicate the effort.</p>

DATE	PROCEEDINGS
01/26/1994	<p data-bbox="409 344 1044 374">Joint Motion for Additional Time for Oral</p> <p data-bbox="440 395 1122 465">U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p data-bbox="440 485 863 516">MR. H. WILLIAM ALLEN</p> <p data-bbox="471 536 1122 758">Joint Motion for Additional Time for Oral Argument. Served. And Memorandum in support of Joint Motion of appellants, State of Arkansas and Arkansans for Governmental Reform for additional time for argument. Served.</p> <p data-bbox="471 778 1122 919">2-01-94. Reply to Joint Motion of Appellants for expanded oral argument by Americans for Term Limits. Served. Motion is moot.</p> <p data-bbox="471 939 1122 1040">2-01-94. Joint motion for expanded oral argument is granted. Dudley, J., would deny.</p> <p data-bbox="431 1060 823 1090">Submit Date—01/31/1994</p> <p data-bbox="431 1110 817 1141">Action Date—02/01/1994</p> <p data-bbox="431 1161 681 1191">Action—Granted</p>
01/27/1994	<p data-bbox="396 1211 1047 1241">Carl B. McSpadden appointed Spl. Justice.</p> <p data-bbox="464 1262 1115 1292">Carl B. McSpadden appointed Spl. Justice.</p> <p data-bbox="396 1312 1014 1342">Applt. brfs. mailed to Spl. J. McSpadden.</p> <p data-bbox="464 1362 1093 1393">Applt. brfs. mailed to Spl. J. McSpadden.</p>
01/31/1994	<p data-bbox="396 1423 721 1453">Appellee's Brief Filed</p> <p data-bbox="427 1473 1115 1503">BOBBIE E. HILL ET AL—Primary Appellee</p> <p data-bbox="427 1524 1063 1554">MR. RICHARD FRANKLIN HATFIELD</p> <p data-bbox="396 1574 725 1604">Appellee's Brief Filed</p> <p data-bbox="427 1624 1115 1655">BOBBIE E. HILL ET AL—Primary Appellee</p> <p data-bbox="427 1675 892 1705">MS. ELIZABETH J. ROBBEN</p> <p data-bbox="396 1725 725 1755">Appellee's Brief Filed</p> <p data-bbox="427 1776 1115 1806">BOBBIE E. HILL ET AL—Primary Appellee</p>

DATE	PROCEEDINGS
	<p>MS. SHERRY PERKINS BARTLEY</p> <p>Appellee Brief/Cross Appellant Brief</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MS. ELIZABETH J. ROBBEN</p> <p>Letter Orders—Supreme Court</p> <p>Letter Orders—Supreme Court</p>
02/01/1994	<p>Entry of Appearance</p> <p>U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p>MR. SANDY MCMATH</p> <p>Entry of Appearance Served.</p> <p>Motion to Admit Cletha Deatherage Mitchell Pro</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. FRANK J. WILLS</p> <p>Motion to Admit Cletha Deatherage Mitchell Pro Hac Vice. Served.</p> <p>2-14-94. Appellants' motion to admit Cleta Deatherage Mitchell pro hac vice is granted. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.</p> <p>Submit Date—02/07/1994</p> <p>Action Date—02/14/1994</p> <p>Action—Granted</p> <p>Motion for Recusal</p> <p>BOBBIE E. HILL ET AL—Primary Appellee</p> <p>MR. FRANK J. WILLS</p> <p>Motion for Recusal</p> <p>Served. And Memorandum of Law in Support of Motion for Recusal.</p> <p>2-7-94. Motion for Recusal Denied. See Opinion issued this date.</p>

DATE	PROCEEDINGS
	Action Date—02/07/1994
	Action—Denied
	Letter Orders—Supreme Court
02/02/1994	Letter from Timothy W. Grooms
	BOBBIE E. HILL ET AL—Primary Appellee
	MR. TIMOTHY W. GROOMS
	Letter from Timothy W. Grooms advising that respondent Senator David Pryor does not intend to file a brief or present an oral argument at this time. Served.
02/04/1994	Motion to Supplement the Record
	U. S. TERM LIMITS INC. ET AL—Primary Appellant
	JOHN G. KESTER
	2-14-94. Motion of appellants U.S. Term Limits, Inc. et al. to supplement the record is granted. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.
	Submit Date—02/07/1994
	Action Date—02/14/1994
	Action—Granted
	Motion to Supplement the Record
	BOBBIE E. HILL ET AL—Primary Appellee
	MR. RICHARD FRANKLIN HATFIELD
	2-14-94. Motion of State of Arkansas Ex Rel. Attorney General Winston Bryant to supplement the record is granted. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.
	Submit Date—02/07/1994
	Action Date—02/14/1994
	Action—Granted

DATE	PROCEEDINGS
02/07/1994	<p data-bbox="409 358 742 389">Reply Brief Tendered</p> <p data-bbox="444 409 1129 479">U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p data-bbox="444 499 748 530">JOHN G. KESTER</p> <p data-bbox="477 550 734 580">Exhibits in back.</p> <p data-bbox="409 600 896 631">Motion to Dismiss Cross-Appeal</p> <p data-bbox="444 651 1129 721">U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p data-bbox="444 741 738 772">JOHN G. KESTER</p> <p data-bbox="444 792 929 822">Motion to Dismiss Cross-Appeal</p> <p data-bbox="477 842 1129 913">Served. and Memorandum of Authorities in support. Served</p> <p data-bbox="477 933 1129 1114">2-14-94. Motion of appellants and cross-appellees U.S. Term Limits, Inc., et al. to dismiss cross-appeal is denied. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.</p> <p data-bbox="444 1135 826 1165">Action Date—02/14/1994</p> <p data-bbox="444 1185 679 1215">Action—Denied</p> <p data-bbox="409 1235 676 1266">Reply Brief Filed</p> <p data-bbox="444 1286 1129 1356">BOBBIE E. HILL ET AL—Primary Appellee MR. FRANK J. WILLS</p>
02/08/1994	<p data-bbox="409 1639 1001 1669">Motion to File Exhibits to Reply Brief</p> <p data-bbox="444 1689 1129 1759">U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p data-bbox="444 1780 856 1810">MR. H. WILLIAM ALLEN</p>

DATE	PROCEEDINGS
	<p>Motion to File Exhibits to Reply Brief Served. And Memorandum of Authorities in Support of Motion to File Exhibits to Reply Brief.</p> <p>2-14-94. Motion of appellants U.S. Term Limits, Inc., et al., to file exhibits to reply brief is granted. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.</p> <p>Action Date—02/14/1994</p> <p>Action—Granted</p> <p>Motion for Order Granting Ten Minutes for Oral</p> <p>U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p>MR. SANDY MCMATH</p> <p>Motion for Order Granting Ten Minutes for Oral Argument by Appellant Americans for Term Limits. Served. And Memorandum in Support of Motion by Americans for Term Limits for Order Granting it Ten Minutes for Oral Argument.</p> <p>2-14-94. Motion of appellant Americans for Term Limits for order granting it ten minutes or oral argument is denied, Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.</p> <p>Action Date—02/14/1994</p> <p>Action—Denied</p>
02/14/1994	<p>Case Submitted</p> <p>Docket Type—Regular Docket</p> <p>Argument Type—Case Argued</p> <p>Supreme Court Oral Argument Issued for Letter Orders—Supreme Court</p>

DATE	PROCEEDINGS
	Letter Orders—Supreme Court
	Letter Orders—Supreme Court
	Letter Orders—Supreme Court
02/16/1994	Letter Orders—Supreme Court
02/18/1994	Front Sheets—Mead
02/22/1994	Front Sheets—West
03/07/1994	Brief Costs on Appeal
	BOBBIE E. HILL ET AL—Primary Appellee
	MR. FIELD K. WASSON
	Majority Opinion
	Reversed in Part; Affirmed in Part, Special Justices Ernie Wright and Carl McSpadden join in this opinion. Dudley and Hays, JJ., and Special Chief Justice George K. Cracraft and Special Justice Gerald P. Brown concur in part and dissent in part. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.
	Opinion Date—03/07/1994
	Publish—Y
	Author Name—ROBERT BROWN
	Opinion Code—Other—See Remarks
	Concur in Part/Dissent in Part Opinion
	Reversed in Part; Affirmed in Part. Special Justices Ernie Wright and Carl McSpadden join in this opinion. Dudley and Hays, JJ., and Special Chief Justice George K. Cracraft and special Justice Gerald P. Brown concur in part and dissent in part. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.
	Opinion Date—03/07/1994

DATE	PROCEEDINGS
	<p>Publish—Y</p> <p>Author Name—ROBERT DUDLEY</p> <p>Opinion Code—Other—See Remarks</p> <p>Concur in Part/Dissent in Part Opinion</p> <p>Reversed in Part; Affirmed in Part. Special Justices Ernie Wright and Carl McSpadden join in this opinion. Dudley and Hays, JJ., and Special Chief Justice George K. Cracraft and Special Justice Gerald P. Brown concur in part and dissent in part. Holt, C.J., and Newbern, Glaze and Corbin, JJ., not participating.</p> <p>Opinion Date—03/07/1994</p> <p>Public—Y</p> <p>Author Name—STEELE HAYS</p> <p>Opinion Code—Other—See Remarks</p> <p>Front Sheets—Mead</p>
03/09/1994	<p>Petition for Rehearing</p> <p>U. S. TERM LIMITS INC. ET AL—Primary Appellant</p> <p>JOHN G. KESTER</p> <p>Petition for Rehearing. Served. And Brief in Support of Petition for Rehearing. Served.</p> <p>3-11-94. Brief of Appellees Hill and Herget et al in opposition to Petition for Rehearing by U.S. Term Limits, Inc., et al. Served.</p> <p>3-14-94. Petition of U.S. Term Limits, Inc., et al. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright, Gerald Brown, and Carl McSpadden join. Hays, J., would grant. Holt, C.J. and Newbern, Glaze, and Corbin, JJ., not participating.</p>

DATE	PROCEEDINGS
Submit Date—03/07/1994	Action Date—03/14/1994
Action—Denied	Petition for Rehearing
BOBBIE E. HILL ET AL—Primary Appellee	MR. RICHARD FRANKLIN HATFIELD
Petition for Rehearing. Served.	3-14-94. Petition of State of Arkansas ex rel. Attorney General Winston Bryant. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright and Gerald Brown join. Special Justice Carl McSpadden would grant. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.
Submit Date—03/07/1994	Action Date—03/14/1994
Action—Denied	Petition for Rehearing
GOV. JIM GUY TUCKER—Appellee	MR. STEPHEN C. ENGSTROM
Unified Members' Petition and Argument for Rehearing or Clarification. Served.	3-14-94. Petition of Senatorial Unified Members for petition for rehearing is denied. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright and Gerald Brown join. Special Justice Carl McSpadden would grant. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.
Submit Date—03/07/1994	Action Date—03/14/1994

DATE	PROCEEDINGS
	Action—Denied
	Front Sheets—West
03/14/1994	Letter Orders—Supreme Court
	Letter Orders—Supreme Court
	Letter Orders—Supreme Court
03/24/1994	Notice of Filing Petition in U. S. Supreme Court
	6-24-94. Order granting petition for writ of certiorari in U. S. Supreme Court. Filed.
05/26/1994	Notice of Filing Petition in U. S. Supreme Court
	6-24-94. Order granting petition for writ of certiorari in U. S. Supreme Court. Filed.

[Filed Nov. 13, 1992]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS

No. 92-6171

BOBBIE E. HILL, Individually, And On Behalf of THE
LEAGUE OF WOMEN VOTERS OF ARKANSAS And All
Others Similarly Situated, *Plaintiffs*

v.

BILL CLINTON, Governor of the State of Arkansas; JIM GUY TUCKER, Lieutenant Governor; WINSTON BRYANT, Attorney General; W. J. "BILL" MCCUEN, Secretary of State; JIMMIE LOU FISHER, Treasurer of State; JULIA HUGHES JONES, Auditor of State; CHARLIE DANIELS, Land Commissioner; THE ARKANSAS CONGRESSIONAL DELEGATION, Including Members-Elect, Namely, DALE BUMPERS, DAVID PRYOR, BILL ALEXANDER, RAY THORNTON, BERYL ANTHONY, JOHN PAUL HAMMER-SCHMIDT, BLANCHE LAMBERT, TIM HUTCHINSON, and JAY DICKEY; THE ARKANSAS SENATE, Including Members-Elect, Namely, JAMES C. "JIM" SCOTT, W.D. "BILL" MOORE, JR., MIKE ROSS, WAYNE DOWD, NEELY CASSADY, GEORGE HOPKINS, JEAN C. EDWARDS, JAY BRADFORD, BILL WALTERS, TRAVIS A. MILES, LU HARDIN, EUGENE "BUD" CANADA, CHARLIE COLE CHAFFIN, VIC SNYDER, JERRY D. JEWELL, CLIFF HOOFFMAN, STANLEY RUSS, MIKE BEEBE, ROY C. "BILL" LEWELLEN, MIKE EVERETT, STEVE BELL, ALLEN GORDON, JON S. FITCH, MORRIL HARRIMAN, MIKE BEARDEN, JERRY P. BOOKOUT, MIKE TODD, NICK WILSON, STEVE LUELF, JOE E. YATES, DAVID R. MALONE,

CLARENCE BELL, JACK ANDERSON GIBSON, MAX HOWELL, JOHN PAGAN, KEVIN SMITH, JIM KEET, BILL GWATNEY, and REID HOLIMAN; THE ARKANSAS HOUSE OF REPRESENTATIVES, Including Members-Elect, Namely, RAILEY A. STEELE, JERRY E. HINSHAW, LOUIS MCJUNKIN, CHARLES W. STEWART, BOB FAIRCHILD, JERRY HUNTON, EDWARD F. THICKSTEN, B.G. HENDRIX, CAROLYN POLLAN, RALPH "BUDDY" BLAIR, JR., JERRY D. KING, W.R. "BUD" RICE, ODE MADDOX, GUS WINGFIELD, HOYE D. HORN, DAVID BEATTY, ARTHUR CARTER, CHARLES WHORTON, JR., FRANK J. WILLEMS, LLOYD R. GEORGE, KEITH WOOD, BOB J. WATTS, L.L. "DOC" BRYAN, BRUCE HAWKINS, TED E. MULLENIX, JAMES C. ALLEN, JOHN W. PARKERSON, BOB "SODY" ARNOLD, JUDY SMITH, JOHN H. DAWSON, BILLY JOE PURDOM, ROGER L. RORIE, RANDY THURMAN, W.H. "BILL" SANSON, BILL STEPHENS, LARRY MITCHELL, H. LACY LANDERS, VEO EASLEY, BOBBY G. NEWMAN, JODIE MAHONY, PHIL WYRICK, MYRA JONES, JIM ARGUE, JR., WILLIAM L. "BILL" WALKER, JR., MARK PRYOR, IRMA HUNTER BROWN, CAROL "COACH" HENRY, JAMES G. DIETZ, DOUG WOOD, MIKE WILSON, WILLIAM H. TOWNSEND, LARRY GOODWIN, JOHN E. MILLER, JOHN PAUL CAPPS, J. STURGIS MILLER, JOSETTA E. WILKINS, JACQUELINE J. ROBERTS, CHARLOTTE SCHEXNAYDER, JIMMIE DON MCKISSACK, MICHAEL K. DAVIS, THOMAS G. BAKER, ALBERT "TOM" COLLIER, V.O. "BUTCH" CALHOUN, WANDA NORTHCUTT, JAMES T. JORDAN, N.B. "NAP" MURPHY, JIM HOLLAND, TIM WOOLDRIDGE, BOBBY G. WOOD, BOBBY L. HOGUE, OWEN MILLER, J.L. "JIM" SHAVER, PAT FLANAGIN, WAYNE WAGNER, WALTER M. DAY, CHRISTENE BROWNLEE, BEN MCGEE, LLOYD C. MCCUISTON, JR., BOB MCGINNIS, ERNEST CUNNINGHAM, JIMMIE L. WILSON, BYNUM GIBSON, TIM HUTCHINSON, JAMES EDWARD "ED" GILBERT, RICHARD L. "DICK" BARCLAY, BILL D. PORTER, TOMMY E.

MITCHUM, JAMES H. "JIM" ROBERTS, WILLIAM P. "BILL" MILLS, ROBERT VAUGHAN "BOB" TEAGUE, DAVID E. ROBERTS, ARTHUR "ART" GIVENS, JR., JACK H. MCCOY, ROBERT WAYNE "BOBBY" TULLIS, JOHN M. LIPTON, G.W. "BUDDY" TURNER, TOM FORGEY, TRAVIS DOWD, DANA A. MORELAND, JIM VON GREMP, DAVE BISBEE, RANDY BRYANT, JOHN HALL, JIM HILL, DENNIS YOUNG, ARMIL O. CURRAN, D.R. "BUDDY" WALLIS, VADA SHEID, GREG WREN, E. RAY STALNAKER, MARY RIABLE, DEE BENNETT, JOE MOLINARO, DAVID CHOATE, BILL FLETCHER, MARIAN D. OWENS, and CLAUD V. CASH; GEORGE O. JERNIGAN, JR.; ASA HUTCHINSON; LULA BINNS; SHIRLEY MCFARLIN; RICHARD BIFFORD; BONNIE JOHNSON; THE REPUBLICAN PARTY OF ARKANSAS; and THE DEMOCRATIC PARTY OF ARKANSAS,

Defendants

COMPLAINT

Comes the Plaintiff, by her undersigned attorneys, and for her Complaint, states and alleges as follows:

1. Plaintiff Bobbie Hill is a citizen, resident, taxpayer and registered voter of the State of Arkansas (the "State"). The Plaintiff brings this action individually and on behalf of all other citizens, residents, taxpayers and registered voters similarly situated. The Plaintiff also brings this action on behalf of the League of Women Voters of Arkansas (the "League"). The League is an Arkansas non-profit corporation with approximately 700 active members throughout the State. The League is a non-partisan political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. The Plaintiff is a member, the First Vice President, and the immediate past-President of the League.

2. Bill Clinton is the Governor of the State. Jim Guy Tucker is the Lieutenant Governor of the State. Winston

Bryant is the Attorney General of the State. W.J. "Bill" McCuen is the Secretary of State. Jimmie Lou Fisher is the Treasurer of State. Julia Hughes Jones is the Auditor of State. Charlie Daniels is the Land Commissioner of the State. Each of the foregoing persons is a member of the State Board of Election Commissioners.

3. Dale Bumpers and David Pryor are United States Senators from the State. Bill Alexander, Ray Thornton, Beryl Anthony, John Paul Hammerschmidt, Blanche Lambert, Tim Hutchinson and Jay Dickey are United States Representatives and Representatives-Elect from the State.

4. James C. "Jim" Scott, W.D. "Bill" Moore, Jr., Mike Ross, Wayne Dowd, Neely Cassady, George Hopkins,, Jean C. Edwards, Jay Bradford, Bill Walters, Travis A. Miles, Lu Hardin, Eugene "Bud" Canada, Charlie Cole Chaffin, Vic Snyder, Jerry D. Jewell, Cliff Hoofman, Stanley Russ, Mike Beebe, Roy C. "Bill" Lewellen, Mike Everett, Steve Bell, Allen Gordon, Jon S. Fitch, Morril Harriman, Mike Bearden, Jerry P. Bookout, Mike Todd, Nick Wilson, Steve Luelf, Joe E. Yates, David R. Malone, Clarence Bell, Jack Anderson Gibson, Max Howell, John Pagan, Kevin Smith, Jim Keet, Bill Gwatney and Reid Holiman are State Senators and Senators-Elect.

5. Railey A. Steele, Jerry E. Hinshaw, Louis McJunkin, Charles W. Stewart, Bob Fairchild, Jerry Hunton, Edward F. Thicksten, B.G. Hendrix, Carolyn Pollan, Ralph "Buddy" Blair, Jr., Jerry D. King, W.R. "Bud" Rice, Ode Maddox, Gus Wingfield, Hoyer D. Horn, David Beatty, Arthur Carter, Charles Whorton, Jr., Frank J. Willems, Lloyd R. George, Keith Wood, Bob J. Watts, L.L. "Doc" Bryan, Bruce Hawkins, Ted E. Mullenix, James C. Allen, John W. Parkerson, Bob "Sody" Arnold, Judy Smith, John H. Dawson, Billy Joe Purdom, Roger L. Rorie, Randy Thurman, W.H. "Bill" Sanson, Bill

Stephens, Larry Mitchell, H. Lacy Landers, Veo Easley, Bobby G. Newman, Jodie Mahony, Phil Wyrick, Myra Jones, Jim Argue, Jr., William L. "Bill" Walker, Jr., Mark Pryor, Irma Hunter Brown, Carol "Coach" Henry, James G. Dietz, Doug Wood, Mike Wilson, William H. Townsend, Larry Goodwin, John E. Miller, John Paul Capps, J. Sturgis Miller, Joesetta E. Wilkins, Jacqueline J. Roberts, Charlotte Schexnayder, Jimmie Don McKissack, Michael K. Davis, Thomas G. Baker, Albert "Tom" Collier, V.O. "Butch" Calhoun, Wanda Northcutt, James T. Jordan, N.B. "Nap" Murphy, Jim Holand, Tim Woolbridge, Bobby G. Wood, Bobby L. Hogue, Owen Miller, J.L. "Jim" Shaver, Pat Flanagan, Wayne Wagner, Walter M. Day, Christene Brownlee, Ben McGee, Lloyd C. McCuiston, Jr., Bob McGinnis, Ernest Cunningham, Jimmie L. Wilson, Bynum Gibson, Tim Hutchinson, James Edward "Ed" Gilbert, Richard L. "Dick" Barclay, Bill D. Porter, Tommy E. Mitchum, James H. "Jim" Roberts, William P. "Bill" Mills, Robert Vaughan "Bob" Teague, David E. Roberts, Arthur "Art" Givens, Jr., Jack H. McCoy, Robert Wayne "Bobby" Tullis, John M. Lipton, G.W. "Buddy" Turner, Tom Forgey, Travis Dowd, Dana A. Moreland, Jim von Gremp, Dave Bisbee, Randy Bryant, John Hall, Jim Hill, Dennis Young, Armil O. Curran, D.R. "Buddy" Wallis, Vada Sheid, Greg Wren, E. Ray Stalnaker, Mark Riable, Dee Bennett, Joe Molinaro, David Choate, Bill Fletcher, Marian D. Owens and Claud V. Cash are State Representatives and Representatives-Elect.

6. George O. Jernigan, Jr. is the Chairman of the Democratic Party of Arkansas and a member of the State Board of Election Commissioners. Asa Hutchinson is the Chairman of the Republican Party of Arkansas and a member of the State Board of Election Commissioners. Lula Binns, Shirley McFarlin, Richard Bifford and Bonnie Johnson are members of the State Board of Election Commissioners.

7. The Republican Party of Arkansas and the Democratic Party of Arkansas are political parties as defined in Ark. Code Ann. § 7-1-101 (Supp. 1991).

8. Plaintiff seeks a declaratory judgment pursuant to Ark. Code Ann. § 16-111-101 *et seq.* (1987) with regard to her political and constitutional rights to advocate the election of, to contribute to the election of, and to vote for, candidates for election to the Executive Department of the State, the State Senate, the State House of Representatives, and the Arkansas Congressional Delegation, without regard to the prior incumbency of any of such candidates in any such offices. This Court has jurisdiction of this action pursuant to Article 7, Sections 1 and 11 of the Arkansas Constitution, Ark. Code Ann. § 16-13-201 (1987), and the Common Law of the State of Arkansas. Venue is in this Court pursuant to Ark. Code Ann. §§ 16-60-103, 105 (1987) and Ark. Code Ann. § 16-106-101 (1987).

9. On November 3, 1992, the voters of this State approved a proposed amendment to the Arkansas Constitution entitled the "Arkansas Term Limitation Amendment" (herein, the "Amendment"). The Amendment was proposed to the people by means of an initiative petition (the "Petition"), which was filed with Defendant McCuen pursuant to Amendment 7 to the Arkansas Constitution.

10. The popular name and ballot title of the Amendment, which were printed upon the November 3, 1992 election ballot, provided as follows:

POPULAR NAME—ARKANSAS TERM LIMITATION AMENDMENT

BALLOT TITLE—An Amendment to the Constitution of the State of Arkansas limiting the number of terms that may be served by the elected officials of the Executive Department of the state to two (2) four-year terms, this department to consist of a Gov-

ernor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands; limiting the number of terms that may be served by members of the Arkansas House of Representatives to three (3) two-year terms, these members to be chosen every second year; limiting the number of terms that may be served by members of the Arkansas Senate to two (2) four-year terms, these members to be chosen every four years; providing that any person having been elected to three (3) or more terms as a member of the United States House of Representatives from Arkansas shall not be eligible to appear on the ballot for election to the United States House of Representatives from Arkansas; providing that any person having been elected to two (2) or more terms as a member of the United States Senate from Arkansas shall not be eligible to appear on the ballot for election to the United States Senate from Arkansas; providing for an effective date of January 1, 1993; and making the provisions applicable to all persons thereafter seeking election to the specified offices.

11. The language of the Petition that immediately followed the ballot title, which included the text of the Amendment, but which was not printed upon the November 3, 1992 election ballot, provided as follows:

SUMMARY:

This amendment provides a limit of two (2) terms to the Governor, Lieutenant Governor, Secretary of State; Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands. It provides a limit of three (3) terms to State Representatives, and a limit of two (2) terms to State Senators. It also provides that persons having been elected three (3) or more terms as a member of the

United States House of Representatives from Arkansas shall not be eligible to appear on the ballot for election to the United States House of Representatives from Arkansas. Lastly, it provides that any person having been elected to two (2) or more terms as a member of the United States Senate from Arkansas shall not be eligible to appear on the ballot for election to the United States Senate from Arkansas.

PREAMBLE:

The people of Arkansas find and declare that elected officials who remain in office too long become preoccupied with reelection and ignore their duties as representatives of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, free competitive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of the elected officials.

SECTION 1—Executive Branch:

(a) The Executive Department of the State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four years, and until their successors are elected and qualified.

(b) No elected officials of the Executive Department of this State may serve in the same office more than two such four year terms.

SECTION 2—Legislative Branch:

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. No member of the Arkansas House of Representatives may serve more than three such two year terms.

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. No member of the Arkansas Senate may serve more than two such four year terms.

SECTION 3—Congressional Delegation:

(a) Any person having been elected to three or more terms as a member of the United States House of Representatives from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States House of Representatives from Arkansas.

(b) Any person having been elected to two or more terms as a member of the United States Senate from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States Senate from Arkansas.

SECTION 4—Severability:

The provisions of this Amendment are severable, and if any should be held invalid, the remainder shall stand.

SECTION 5—Provisions Self-Executing

Provisions of the Amendment shall be self-executing.

SECTION 6—Application

(a) This Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all persons thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this amendment.

12. Pursuant to Section 6 of the Amendment, from and after January 1, 1993, all persons with prior experience as incumbents in the offices enumerated in the Amendment will be limited with regard to their eligibility to serve additional terms in such offices, or to have their names placed on the election ballot for election to such offices, as provided in the Amendment.

13. The purpose and intent of Section 3 of the Amendment is to effectively limit the terms of the State's Congressional Delegation. The limitation is expressed in terms of a candidate's eligibility to have his or her name placed on the ballot; however, the practical effect is to impose a substantive qualification for election to these federal offices.

14. The qualifications for election as a U.S. Representative or U.S. Senator are set forth in Article I, Section 2, Clause 2 and Article I, Section 3, Clause 3 of the federal constitution. These federal constitutional qualifications are exclusive. The State of Arkansas has no power to add any additional qualifications to the ones enumerated in the federal constitution. Because Section 3 of the Amendment seeks to impose an additional qualification for election as a U.S. Representative or U.S. Senator from Arkansas, Section 3 is unconstitutional and void.

15. Sections 1 through 3 of the Amendment are inherently non-severable. The voters of this State adopted Section 1 through 3 of the Amendment as a whole, as expressed by the words of the ballot title: "making the provisions applicable to *all persons* thereafter seeking election to the specified offices." (Emphasis added.) Although the text of the Amendment contains a severability clause in Section 4, the severability clause was not disclosed to the voters at the time that they exercised the franchise and was not expressly approved by them. In addition, the voters of this State would not have approved the Amendment without Section 3. Section 3 capitalized upon the popular issue of anti-incumbency, particularly as directed toward the U.S. House of Representatives, and thereby induced a favorable vote for the entire proposal.

16. The Petition filed with Defendant McCuen did not contain the following words preceding the text of the Amendment: "Be It Enacted By The People Of The State Of Arkansas," or words to that effect (herein, an "Enacting Clause"). None of the publications of the Amendment by Defendant McCuen to the people prior to the election contained an Enacting Clause. Due to the lack of an Enacting Clause for the Amendment, the Amendment is void and unenforceable, notwithstanding the favorable vote of the people.

WHEREFORE, Plaintiff prays for a Declaratory Judgment by this Court, declaring and holding (i) that Section 3 of the Amendment is unconstitutional and void under the federal constitution, (ii) that Sections 1 through 3 of the Amendment are non-severable and should be stricken in their entirety, and (iii) that the Amendment fails to have an Enacting Clause and is unenforceable and void in its entirety. Plaintiff further prays for her costs, and for all other just and proper relief.

**HERSCHEL H. FRIDAY
ELIZABETH J. ROBBEN
ROBERT S. SHAFER
FRIDAY, ELDREDGE & CLARK
400 West Capitol, Suite 2000
Little Rock, Arkansas 72201
(501) 376-2011**

Attorneys for Plaintiff

**By: /s/ Herschel H. Friday
HERSCHEL H. FRIDAY**

[Filed Jan. 19, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER

Congressman Ray Thornton, for his answer, states:

1. Lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Complaint.
2. Admits the allegations contained in Paragraph 2 of the Complaint.
3. Admits that Dale Bumpers and David Pryor are U.S. Senators and that Ray Thornton, Jay Dickey, Blanche Lambert and Tim Hutchinson are U.S. Representatives for Arkansas. Bill Alexander, John Paul Hammerschmidt and Beryl Anthony are former Representatives.
4. Admits that each person identified in Paragraph 4 of the Complaint is a State Senator or a former State Senator.
5. Admits that each person identified in Paragraph 5 of the Complaint is a State Representative or a former State Representative.
6. Admits the allegations contained in Paragraph 6 of the Complaint.
7. Admits the allegations contained in Paragraph 7 of the Complaint.

8. Admits that this Court has jurisdiction and venue is proper as alleged in Paragraph 8 of the Complaint.

9. Admits the allegations contained in Paragraph 9 of the Complaint.

10. Admits the allegations contained in Paragraph 10 of the Complaint.

11. Admits the allegations contained in Paragraph 11 of the Complaint.

12. Admits the allegations contained in Paragraph 12, 13, 14, 15, and 16 of the Complaint.

13. Denies all allegations of the Complaint not specifically admitted herein.

WHEREFORE, Defendant U.S. Congressman Ray Thornton prays that this Court grant to him all just and proper relief as is requested through his denials and admissions above.

CROSS COMPLAINT FOR DECLARATORY JUDGMENT

Pursuant to the provisions of A.C.A. §§ 16-111-101 *et seq.* (1987), Defendant/Cross Claimant Thornton seeks a declaratory judgment with regard to his political and constitutional rights and the legality of his actions as a U.S. Representative under the provisions of the challenged Amendment.

14. Defendant/Cross Claimant Thornton realleges all of his Admissions of the allegations set forth in Paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Complaint.

15. Further, Defendant/Cross Claimant Thornton asserts these claims for a declaratory judgment against the Arkansas "Constitutional" Officers named in Paragraph 2 of the Complaint. As members of the Executive Department, these cross-defendants are the state officials

upon whom the responsibility falls for the execution and enforcement of the provisions of the Amendment.

16. Defendant/Cross Claimant Thornton realleges and adopts his admissions contained in Paragraphs 9, 10, 11 and 12 of his Answer regarding the language and public vote on the Amendment.

17. Defendant/Cross Claimant Thornton seeks a declaration determining the rights of the parties as they affect the legality of his service as a member of the U.S. Congress and the legality of any actions by the Cross Defendants to interpret and enforce the terms and provisions of the Act so as to preclude Defendant/Cross Claimant Thornton from seeking to appear on the ballot for another term beyond the current one which ends in January 1995. Specifically, Defendant/Cross Claimant Thornton seeks a declaration of rights with regard to the following:

- a. Under the Amendment when does one begin counting terms toward the limit on terms of service?
 - i) Does the Amendment not count any terms served prior to January 1, 1993, toward the maximum allowable terms?
 - ii) Does the term to which the member was elected in the November 3, 1992, general election (service of which did not begin until on or after January 1, 1993) count toward the maximum?
 - iii) Is non-consecutive service or service from different districts in the U.S. House of Representatives counted toward the maximum allowable terms?
- b. Does Section 3 of the Amendment violate the federal Constitution by imposing an additional qualification on the election of, or eligibility for a ballot position for, U.S. Representatives or U.S. Senators from Arkansas?

WHEREFORE, Defendant/Cross Claimant Thornton seeks a Declaratory Judgment by this Court declaring the rights of the parties and the public as to the issues raised in Paragraph 17 above; and all other just and proper relief to which he may be entitled.

**WRIGHT, LINDSEY & JENNINGS
2200 Worthen Bank Building
200 West Capitol Avenue
Little Rock, Arkansas 72201-3699
(501) 371-0808**

**By /s/ Nate Coulter
NATE COULTER (85034)
Attorneys for Defendant/Cross
Claimant Ray Thornton**

[Filed Jan. 22, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

MOTION TO INTERVENE AS DEFENDANT

Comes the State of Arkansas Ex Rel. Attorney General Winston Bryant, by its undersigned attorney, and for its Motion to Intervene states:

1. This action involves validity, constitutionality and interpretation of an initiated amendment to the Arkansas Constitution.
2. This action requesting declaratory judgment relief affects the State the State of Arkansas Ex Rel. Attorney General Winston Bryant by determining the limits of terms on all Constitutional, Executive and Legislative officers of the State of Arkansas, and members of the Arkansas Congressional delegation.
3. Winston Bryant has determined that he has a conflict of interest, since he could be affected by the ruling of this Court pursuant to this action.
4. The Office of the Attorney General has contracted with Richard F. Hatfield, pursuant to A.C.A. § 19-4-1709 through 1715, to perform legal services in representing the State in this matter.
5. The State is a proper party to defend the validity of the amendment as a Defendant.
6. Attached is an Answer that the State intends to file if the Motion to Intervene as Defendant is granted.

7. Granting this motion will not prejudice any other party since the time for responding to the Complaint has been extended by this Court as to certain parties, including Winston Bryant, to January 25, 1993.

WHEREFORE, the State Ex Rel. Attorney General Winston Bryant prays the Court permit the State of Arkansas to intervene as a proper party to this action by granting this Motion to Intervene.

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
401 West Capitol, Suite 502
Little Rock, AR 72201

[Filed Jan. 22, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

INTERVENOR'S ANSWER TO COMPLAINT

Comes the State of Arkansas Ex Rel. Winston Bryant Attorney General, by its attorney, and pursuant to its Motion to Intervene states:

1. As to Paragraph 1 of the Complaint (references herein are to those corresponding paragraphs of the Complaint), it is without information as to the allegations and denies same.

2. As to Paragraph 2, it denies that Bill Clinton is the Governor of this State and Jim Guy Tucker is Lieutenant Governor, but it admits the other allegations.

3. As to Paragraph 3, it admits Dale Bumpers and David Pryor are United States Senators and that Ray Thornton, Blanche Lambert, Tim Hutchinson and Jay Dickey United States Representatives from this State.

4. As to Paragraph 4, it admits that those persons named who are duly elected state senators as of this date are state senators.

5. As to Paragraph 5, it admits that those persons named who are duly elected state representatives as of this date are state representatives.

6. It admits the allegations of Paragraph 6.

7. It admits the allegations of Paragraph 7.

8. It admits the allegations of Paragraph 8.
9. It admits the allegations of Paragraph 9.
10. It admits the allegations of Paragraph 10.
11. It admits the allegations of Paragraph 11.
12. It admits the allegations of Paragraph 12.
13. It denies the allegations of Paragraph 13.
14. It admits the qualifications for election as a U.S. Representative or U.S. Senator are set forth in Article I, Section 2, Clause 2 and Article I, Section 3, Clause 3 of the Federal Constitution. It denies the rest of Paragraph 14.
15. It denies the allegations of Paragraph 15.
16. As to Paragraph 16, the petition filed with Defendant McCuen did not contain the words preceding the text in the amendment "Be It Enacted By the People of the State of Arkansas,". It denies the remaining allegations of Paragraph 16.
17. It denies all allegations of the Complaint not specifically admitted.

WHEREFORE, the State prays:

A. For a declaratory judgment by this Court declaring and holding that the amendment is unconstitutional, and

B. It be awarded its costs and all other relief, to which it is entitled.

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
401 West Capitol, Suite 502
Little Rock, AR 72201

[Filed Jan. 25, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER

George O. Jernigan, Jr. and the Democratic Party of Arkansas, for their answer, state:

1. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Complaint.

2. Bill Clinton is the former Governor of the State and Jim Guy Tucker is the Governor. The office of Lieutenant Governor is vacant. Admit the allegations contained in Paragraph 2 of the Complaint.

3. Admit that Dale Bumpers and David Pryor are U.S. Senators and that Ray Thornton, Jay Dickey, Blanche Lambert and Tim Hutchinson are U.S. Representatives for Arkansas. Bill Alexander, John Paul Hammerschmidt and Beryl Anthony are former Representatives.

4. Admit that each person identified in Paragraph 4 of the Complaint is a State Senator or a former State Senator.

5. Admit that each person identified in Paragraph 5 of the Complaint is a State Representative or a former State Representative.

6. Admit the allegations contained in Paragraph 6 of the Complaint.

7. Admit the allegations contained in Paragraph 7 of the Complaint.

8. Admit that this Court has jurisdiction and venue is proper as alleged in Paragraph 8 of the Complaint.

9. Admit the allegations contained in Paragraph 9 of the Complaint.

10. Admit the allegations contained in Paragraph 10 of the Complaint.

11. Admit the allegations contained in Paragraph 11 of the Complaint.

12. Admit the allegations contained in Paragraphs 12, 13, 14, 15, and 16 of the Complaint.

13. Deny all allegations of the Complaint not specifically admitted herein.

WHEREFORE, Defendant George O. Jernigan, Jr., and the Democratic Party of Arkansas pray that this Court grant to them all just and proper relief as requested through their denials and admissions above.

CROSS-COMPLAINT FOR DECLARATORY JUDGMENT

Pursuant to the provisions of Ark. Code Ann. §§ 16-111-101 *et seq.* (1987), Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaratory judgment with regard to their political and constitutional rights and the legality of their actions as the majority party in Arkansas under the provisions of the challenged Amendment.

14. Defendants/Cross-claimants Jernigan and the Democratic Party reallege all of their Admissions of the allegations set forth in Paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Complaint and incorporate these paragraphs by reference.

15. Further, Defendants/Cross-claimants Jernigan and the Democratic Party assert their claims for a declaratory judgment against the current Arkansas "Constitutional" Officers identified in Paragraph 2 of the Complaint. These cross-defendants, specifically Governor Jim Guy Tucker, Attorney General Winston Bryant, Secretary of State Bill McCuen, Treasurer Jimmie Lou Fisher, Auditor Julia Hughes Jones, and Land Commissioner Charlie Daniels, are the state executive officials upon whom the responsibility falls for the execution and enforcement of the provisions of the Amendment.

16. Defendants/Cross-claimants Jernigan and the Democratic Party reallege and adopt their admissions contained in Paragraphs 9, 10, 11 and 12 of their Answer regarding the language and public vote on the Amendment, and affirmatively state that the terms of Section 3 of the Amendment are unconstitutional because they impose additional requirements for appearing on the ballot as a candidate for U.S. Representative or U.S. Senator beyond those exclusive qualifications and requirements set forth in the federal constitution. Moreover since Sections 1 through 3 of the Amendment are non-severable, the entire amendment is unconstitutional and void. Further, because the text of the amendment lacks an appropriate enacting clause, the entire amendment is void and unenforceable.

17. Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaration determining the rights of the parties as they relate to the Democratic Party's primaries and the attempt by candidates for the U.S. Senate and House of Representatives, the Arkansas General Assembly and state constitutional offices. Defendants/Cross-claimants Jernigan and the Democratic Party further seek a declaration concerning any actions by the cross-defendants identified in paragraph 15 of this answer/cross-claim to interpret and enforce terms and provisions of the Act so as to dictate to Defendants/

Cross-claimants Jernigan and the Democratic Party which candidates may appear on the Democratic's [sic] ballot. Specifically, Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaration of rights with regard to the following:

- a. Under the Amendment when does one begin counting terms toward the limit on terms of service?
 - i) Does the Amendment not count any terms served prior to January 1, 1993, toward the maximum allowable terms?
 - ii) Does the term to which one was elected in the November 3, 1992, general election (service of which did not begin until on or after January 1, 1993) count toward the maximum?
 - iii) Is non-consecutive service or service from different districts in the U.S. House of Representatives counted toward the maximum allowable terms?
 - iv) Is service in the Arkansas House of Representatives or Arkansas Senate from different districts counted toward the maximum allowable terms?
- b. Does Section 3 of the Amendment violate the federal constitution by imposing an additional qualification on the election of, or eligibility for a ballot position as a candidate for U.S. Representatives or U.S. Senators from Arkansas?
- c. Are Sections 1 through 3 non-severable and therefore void in their entirety?
- d. Is the enacting clause inadequate and ineffective such that the amendment is unenforceable in its entirety?

WHEREFORE, Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaratory judgment by this Court declaring the rights of the parties and the public as to the issues raised in Paragraph 17 above; and

all other just and proper relief to which they may be entitled.

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72201-3699
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By /s/ Nate Coulter
NATE COULTER (85034)
Attorneys for Defendant/Cross
Claimants George O. Jernigan, Jr.
and the Democratic Party of
Arkansas

[Filed Jan. 25, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS

(Title Omitted in Printing)

ANSWER OF DEFENDANT BLANCHE LAMBERT

United States Congresswomen Blanche Lambert, by her undersigned attorneys, for her answer to Plaintiff's Complaint (the "Complaint") states and alleges that:

1. Defendant lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 1 of the Complaint.

2. Defendant admits the allegations contained in Paragraph 2 of the Complaint except those allegations concerning President Bill Clinton and Governor Jim Guy Tucker, which are denied.

3. Defendant admits that Dale Bumpers and David Pryor are United States Senators and that Ray Thornton, Jay Dickey, Tim Hutchinson and Defendant are United States Representatives for Arkansas. Defendant further admits that Bill Alexander, John Paul Hammerschmidt and Beryl Anthony are former United States Representatives.

4. Defendant admits that each person identified in Paragraph 4 of the Complaint is a State Senator or a former State Senator.

5. Defendant admits that each person identified in Paragraph 5 of the Complaint is a State Representative or a former State Representative.

6. Defendant admits the allegations contained in Paragraph 6 of the Complaint.

7. Defendant admits the allegations contained in Paragraph 7 of the Complaint.

8. Defendant admits that this Court has jurisdiction and that venue is proper as alleged in Paragraph 8 of the Complaint.

9. Defendant admits the allegations contained in Paragraph 9 of the Complaint.

10. Defendant admits the allegations contained in Paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.

12. Defendant admits the allegations contained in Paragraphs 12, 13, 14, 15 and 16 of the Complaint.

13. Defendant denies all allegations of the Complaint which are not specifically admitted herein.

WHEREFORE, Defendant United States Congresswoman Blanche Lambert prays that this Court grant to her all just and proper relief to which this Defendant may be entitled.

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD
320 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 688-8800

By /s/ Sherry P. Bartley
SHERRY P. BARTLEY
Bar No. 79009

Attorneys for United States
Congresswoman Blanche Lambert

[Filed Jan. 25, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

INTERVENOR'S AMENDED ANSWER TO COMPLAINT

Comes the State of Arkansas Ex Rel. Winston Bryant Attorney General, by its attorney, and pursuant to its Motion to Intervene states:

1. As to Paragraph 1 of the Complaint (references herein are to those corresponding paragraphs of the Complaint), it is without information as to the allegations and denies same.

2. As to Paragraph 2, it denies that Bill Clinton is the Governor of this State and Jim Guy Tucker is Lieutenant Governor, but it admits the other allegations.

3. As to Paragraph 3, it admits Dale Bumpers and David Pryor are United States Senators and that Ray Thornton, Blanche Lambert, Tim Hutchinson and Jay Dickey United States Representatives from this State.

4. As to Paragraph 4, it admits that those persons named who are duly elected state senators as of this date are state senators.

5. As to Paragraph 5, it admits that those persons named who are duly elected state representatives as of this date are state representatives.

6. It admits the allegations of Paragraph 6.

7. It admits the allegations of Paragraph 7.

8. It admits the allegations of Paragraph 8.
9. It admits the allegations of Paragraph 9.
10. It admits the allegations of Paragraph 10.
11. It admits the allegations of Paragraph 11.
12. It admits the allegations of Paragraph 12.
13. It denies the allegations of Paragraph 13.
14. It admits the qualifications for election as a U.S. Representative or U.S. Senator are set forth in Article I, Section 2, Clause 2 and Article I, Section 3, Clause 3 of the Federal Constitution. It denies the rest of Paragraph 14.
15. It denies the allegations of Paragraph 15.
16. As to Paragraph 16, the petition filed with Defendant McCuen did not contain the words preceding the text in the amendment "Be It Enacted By the People of the State of Arkansas,". It denies the remaining allegations of Paragraph 16.
17. It denies all allegations of the Complaint not specifically admitted.

WHEREFORE, the State prays:

A. For a declaratory judgment by this Court declaring and holding that the amendment is constitutional, and

B. It be awarded its costs and all other relief, to which it is entitled.

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
401 West Capitol, Suite 502
Little Rock, AR 72201

[Filed Jan. 25, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS

(Title Omitted in Printing)

**ANSWER OF SEPARATE DEFENDANTS,
TIM HUTCHINSON, ASA HUTCHINSON
AND THE REPUBLICAN PARTY OF ARKANSAS**

Comes now the Separate Defendants, Tim Hutchinson, Asa Hutchinson, and the Republican Party of Arkansas, and for their Answer to Plaintiff's Complaint:

1. Defendants admit the allegations of paragraph 1 except that Defendants deny that Plaintiff represents all taxpayers and registered voters of this state.

2. Defendants admit the allegations of paragraph 2, 3, 4, 5, 6 and 7 of Plaintiff's Complaint.

3. Defendants state that paragraph 8 is not allegations of fact. Defendants acknowledge that the Plaintiff is requesting declaratory relief.

4. Defendants admit the allegations of paragraphs 9, 10 and 11 of Plaintiff's Complaint.

5. Defendants deny the allegations of paragraphs 12, 13, 14, 15 and 16 of Plaintiff's Complaint.

6. Defendants affirmatively state that they support the concept of term limitations for elected officials. Defendants state that the Arkansas Term Limitation Amendment was properly presented to the people of the State of Arkansas and properly adopted by the voters of this state. Defendants support the right of the people to adopt such initiated measures and Defendants believe the Ar-

kansas Term Limitation Amendment is constitutionally sound and Plaintiff should be denied the relief requested.

WHEREFORE, the Separate Defendants pray that this Court grant to them all just and proper relief and further that the Arkansas Term Limitation Amendment be upheld and enforced as adopted by the people.

/s/ W. Asa Hutchinson
W. ASA HUTCHINSON #75065
Attorney for Separate Defendants
Tim Hutchinson, Asa Hutchinson,
and the Republican Party of
Arkansas
First National Bank Building
602 Garrison Avenue, Suite 505
Fort Smith, AR 72901-2534
(501) 782-4028

[Filed Jan. 26, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

MOTION TO INTERVENE AS DEFENDANTS

For their Motion To Intervene As Defendants, Arkansans For Governmental Reform, Inc. and Lawrence Cook, Timothy Jacob, Steve Munn, Tim Epperson, Lance Curtis, Miles King, David Jamison, Sy Mendenhall, Teresa Ulery, Eual Petty, Tommy Munn, Tommy White, Dr. Bill McCollum, Richard Trubey, Leon Perry, Bruce Burks, Howard Studdard, J.D. Crow and Claudie Ray Ollar state:

1. Intervenor Arkansans For Governmental Reform, Inc. is an Arkansas not-for-profit corporation which sponsored the petition drive which placed the Arkansas Term Limitation Amendment (hereinafter "Amendment") on the November 3, 1992 Arkansas general election ballot and campaigned on behalf of the proposed Amendment. The corporation also intervened in Richard Plugge, individually and on behalf of Arkansas Farm Bureau, Arkansas For Representative Democracy, and all others similarly situated, Petitioners versus W.J. "Bill" McCuen, Secretary of State, Respondent [and] Arkansans For Governmental Reform, Inc., Intervenor, numbered 92-1074, which was initiated pursuant to Amendment 7 to the Constitution of Arkansas.

2. Intervenors Lawrence Cook, Timothy Jacob, Steve Munn, Tim Epperson, Lance Curtis, Miles King, David Jamison, Sy Mendenhall, Teresa Ulery, Eual Petty, Tommy Munn, Tommy White, Dr. Bill McCollum, Richard Trubey, Leon Perry, Bruce Burks, Howard Studdard,

J.D. Crow and Claudie Ray Ollar are residents of and taxpayers to the State of Arkansas. In the petition signature drive and the general election campaign they, and a number of other Arkansans, invested substantial time, energy and money in promoting the Amendment. (The corporate and natural intervenors above named shall hereinafter be referred to as the AGR Intervenors.)

3. The AGR Intervenors are interested in protecting the integrity of the November 3, 1992 general election vote at which the Amendment was adopted by the voters of Arkansas. Their defense of the Amendment will raise questions of law common to those that will be raised by the other parties herein, and the participation of the AGR Intervenors as intervenors will not unduly delay or prejudice the adjudication of the rights of the original parties.

4. Pursuant to Rule 24(b), this honorable Court should enter an order permitting the AGR Intervenors to intervene as defendants in this action.

WHEREFORE, the AGR Intervenors pray that this Court enter an order authorizing them to intervene as defendants in this action.

ARKANSANS FOR GOVERNMENTAL
REFORM, INC., *et al.*

By /s/ James F. Lane
JAMES F. LANE
Arkansas Bar No. 75075
Post Office Box 23296
Little Rock, AR 72221-3296
501/227-8416

CLETA DEATHERAGE MITCHELL
Attorney at Law
1090 Vermont Avenue, NW Suite 510
Washington, D.C. 20005
202/371-0450

Attorney for AGR Intervenors

[Filed Jan. 26, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER OF ARKANSANS FOR
GOVERNMENTAL REFORM, INC. INTERVENORS**

For their Answer to the Complaint of Plaintiffs Bobbie E. Hill and the League of Women Voters of Arkansas, Intervenor Arkansans For Governmental Reform, Inc. and Lawrence Cook, Timothy Jacob, Steve Munn, Tim Epperson, Lance Curtis, Miles King, David Jamison, Sy Mendenhall, Teresa Ulery, Eual Petty, Tommy Munn, Tommy White, Dr. Bill McCollum, Richard Trubey, Leon Perry, Bruce Burks, Howard Studdard, J.D. Crow and Claudie Ray Ollar (hereinafter referred to collectively "AGR Intervenor") state:

1. The allegations of paragraph one are denied.
2. Plaintiff should be held to strict proof of the allegations of paragraphs two through seven and nine through 11.
3. With respect to the allegations of paragraph eight, AGR Intervenor admit that Act No. 274 of 1953, as amended, codified as Ark. Code Ann. Sections 16-111-101 through -111 entitles litigants to a declaratory judgment under certain circumstances but deny that Plaintiffs's claim presents a declaratory judgment justiciable issue. The jurisdictional and venue allegations are admitted.

4. The allegations of paragraphs 12, 13, 15 and 16 are denied.

5. The allegations of paragraph 14 are admitted only to the extent that Article I, Section 2, Clause 2 and Article I, Section 3, Clause 3 of the Constitution of the United States set forth the qualifications for election of U.S. Representatives and Senators.

6. AGR Intervenorors state that the allegations of paragraphs 15 and 16 fail to state facts upon which this Court can grant relief.

WHEREFORE, AGR Intervenorors demand judgment dismissing the Plaintiffs's Complaint herein and denying them any relief thereunder, for costs herein, plus all other just and proper relief.

ARKANSANS FOR GOVERNMENTAL
REFORM, INC., *et al.*

By /s/ James F. Lane
JAMES F. LANE
Arkansas Bar No. 75075
Post Office Box 23296
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501/227-8416

CLETA DEATHERAGE MITCHELL
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1090 Vermont Avenue, NW
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202/371-0450
Attorney for AGR Intervenorors

[Filed Feb. 1, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER

Comes now Congressman Jay Dickey, by and through his attorneys, HILBURN, CALHOON, HARPER, PRUNISKI & CALHOUN, LTD., and for his Answer, states the following:

1. Lacks information sufficient to admit or deny the allegations contained in paragraph 1 of the Complaint and therefore denies the same.

2. Denies that Bill Clinton is Governor of the State, that Jim Guy Tucker is Lieutenant Governor of the State and that Bill Clinton is a member of the State Board of Election Commissioners. Dickey admits the remaining allegations of paragraph 2 of the Complaint.

3. Admits that Dale Bumpers and David Pryor are United States Senators from the State of Arkansas and that Ray Thornton, Blanche Lambert, Tim Hutchinson and Jay Dickey are United States Representatives from Arkansas and denies each and every other allegation of paragraph 3 of the Complaint.

Upon information and belief, admits the allegations of paragraph 4 of the Complaint.

5. Upon information and belief, admits the allegations of paragraph 5 of the Complaint.

6. Admits the allegations of paragraph 6 of the Complaint.

7. Admits the allegations of paragraph 7 of the complaint.

8. In regard to the allegations of paragraph 8 of the Complaint, Dickey admits that this Court has jurisdiction of this action and that venue is proper in this Court and denies each and every other allegation contained in paragraph 8 of the Complaint.

9. Admits the allegations of paragraph 9 of the Complaint.

10. In regard to the allegations set forth in paragraph 10 of the Complaint, Dickey asserts that the wording of the ballot speaks for itself and denies each and every other allegation contained in paragraph 10.

11. In regard to the allegations set forth in paragraph 11 of the Complaint, Dickey asserts that the wording of the Petition speaks for itself and denies each and every other allegation contained in paragraph 11.

12. The wording of Section 6 of the Amendment speaks for itself. Dickey lacks sufficient knowledge and information to admit or deny the specific allegations contained in paragraph 12 of the Complaint including the effect on incumbents in office, and therefore denies the same.

13. Admits that the purpose and intent of Section 3 of the Amendment is to effectively limit the terms of the State's Congressional Delegation and denies each and every other allegation contained paragraph 13 of the Complaint for lack of information and for the reason that the allegations are conclusory.

14. Admits that Article I, Section 2, Clause 2, and Article I, Section 3, Clause 3 of the Constitution of the United States of America speak for themselves and do set forth certain qualifications for election as a U.S. Representative or U.S. Senator. Dickey denies each and every other allegation of paragraph 14 of the Complaint

for the reason that said allegations are conclusory, contain argument and for lack of information.

15. Dickey admits that the Amendment contains a severability clause and it speaks for itself and, denies each and every other allegation of paragraph 15 of the Complaint.

16. Dickey asserts that the Petition referred to in paragraph 16 of the Complaint speaks for itself and denies each and every other allegation of paragraph 16 of the Complaint.

17. Dickey denies each and every other allegation of the Complaint not specifically admitted herein.

18. Dickey specifically reserves the right to amend his Answer and plead further as facts and information become known to him in the future.

WHEREFORE, Congressman Jay Dickey, prays that this Court grant him the just and proper relief to which he is entitled.

Respectfully submitted,

HILBURN, CALHOON, HARPER,
PRUNISKI & CALHOUN, LTD.
One Riverfront Place
Twin City Bank Bldg., 8th Fl.
Post Office Box 5551
North Little Rock, AR 72119
(501) 372-0110

By: /s/ Scott E. Daniel
SCOTT E. DANIEL
Arkansas Bar No. 82046

[Filed Feb. 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**RESPONSE OF PLAINTIFF TO MOTION TO DISMISS
OF SEPARATE DEFENDANT JIM GUY TUCKER**

Comes now plaintiff Bobbie E. Hill, individually and on behalf of the League of Women Voters of Arkansas and all others similarly situated, by and through her attorneys of record, Friday, Eldredge and Clark, and for her response to the motion to dismiss of separate defendant Jim Guy Tucker, states as follows:

1. The allegations contained in paragraph 1 of the motion to dismiss are admitted.

2. The allegations contained in paragraph 2 of the motion to dismiss are admitted.

3. The allegations contained in paragraph 3 of the motion to dismiss are admitted.

4. With the exception of the last sentence of paragraph 4 of the motion to dismiss the allegations contained in paragraph 4 are admitted. Plaintiff specifically denies the allegation in the last sentence of paragraph 4 and states affirmatively that at the expiration of the term in which Governor Tucker is now serving he will be eligible for one remaining term under the provisions of the Arkansas Term Limitation Amendment.

5. The allegations contained in paragraph 5 of the motion to dismiss are denied.

6. Considering the allegations of plaintiff's Complaint as true and all favorable inferences, Governor Tucker has not demonstrated that there is no present actual controversy nor that plaintiff is not entitled to declaratory judgment.

7. Plaintiff seeks relief pursuant to the Declaratory Judgment Statute that provides "all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the right to persons not parties to the proceeding." Ark. Code Ann. § 16-111-106 (1987). The party seeking relief pursuant to the Declaratory Judgment Statute must name all interested government representatives as parties defendant. *Block v. Allen*, 241 Ark. 970, 411 S.W.2d 21 (1967).

8. A fair and reasonable inference based on the allegations contained in the Complaint is that Governor Tucker as an incumbent will no doubt seek re-election to the Office of Governor and it is a fair and reasonable inference that plaintiff and/or the members of the class she represents intend to re-elect Governor Tucker to two more terms in addition to his current term.

9. The motion to dismiss presents no evidence outside the pleadings and therefore there is no evidence that Governor Tucker is not interested in running for two additional terms after the expiration of his current term. Thus, based on the allegations contained in the complaint and all reasonable inferences, Governor Tucker remains an interested party subject to the personal jurisdiction of this Court and required by the Declaratory Judgment Act to be joined as a party.

10. If Governor Tucker is not personally interested or presents evidence that he will not run for re-election after the expiration of his current term and a subsequent term, he should be an interested party by virtue of the fact that he is the current representative of the Office of

Governor. This Court's decision in this case will affect future holders of that office. He therefore should be deemed an interested party in his representative capacity and should be retained as a party defendant.

11. Finally, this action for declaratory judgment is one that the Court should decide "because it is a matter of significant public interest and a matter of constitutional law." *Bryant v. English*, 311 Ark. 187, — S.W.2d — (1992).

WHEREFORE, plaintiff Bobbie E. Hill, individually and on behalf of the League of Women Voters of Arkansas and all others similarly situated, prays that the motion to dismiss of separate defendant Jim Guy Tucker be denied.

Respectfully submitted,

FRIDAY, ELDRIDGE & CLARK
2000 First Commercial Building
400 West Capitol Avenue
Little Rock, Arkansas 72201-3493
(501) 376-2011

Attorneys for Plaintiffs

By: /s/ Elizabeth J. Robben
ELIZABETH J. ROBBEN #79244

[Filed Feb. 10, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ORDER PERMITTING INTERVENTION
AS DEFENDANT**

Now on this date comes on for hearing the Motion of the State of Arkansas, by Ex Rel. Attorney General Winston Bryant, by its undersigned private counsel to intervene as a Defendant. After consideration of the pleadings filed herein and other matters before the Court, the Court finds:

1. The Amended Motion has been properly served on all parties in accordance with Rule 5, ARCP.

2. No objections opposing this Motion have been filed within the time required by any party.

3. A.C.A. § 16-111-106(a) provides that, as here, when a claim for declaratory relief is sought, all persons shall be made parties who claim any interest which would be affected by the declaration. The prayer to declare the proposed amendment unconstitutional would affect the interest of the State of Arkansas. It is a claim within the provisions of A.C.A. § 16-111-106.

4. No party is prejudiced by the granting of this Motion.

5. Intervention under the provisions of Rule 24(a) (2) ARCP has been established.

6. The Amended Answer attached as an exhibit to the Amended Motion to Intervene is permitted to be filed.

IT IS, BY THE COURT, ORDERED that:

A. The Amended Motion to Intervene is granted, and

B. The State of Arkansas, Ex Rel. Winston Bryant Attorney General, is permitted to intervene as a Defendant herein and file the Amended Answer attached to its Amended Motion.

/s/ Chris Piazza
Judge

Date: Feb. 10, 1993

[Filed Feb. 19, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS

(Title Omitted in Printing)

ANSWER OF DEFENDANT SENATOR DAVID PRYOR

Senator David Pryor, for his Answers to the Complaint:

1. States he lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Complaint.

2. States that Bill Clinton is the former Governor of Arkansas and that Jim Guy Tucker now is the Governor of Arkansas. Admits the balance of the allegations contained in Paragraph 2 of the Complaint.

3. Admits that Ray Thornton, Blanche Lambert, Tim Hutchinson, and Jay Dickey are now United States Representatives from Arkansas and that Bill Alexander, Beryl Anthony, and John Paul Hammerschmidt are former United States Representatives from Arkansas. Admits the balance of the allegations contained in Paragraph 3 of the Complaint.

4. Admits that the individuals enumerated in Paragraph 4 of the Complaint are current or former Arkansas State Senators.

5. Admits that the individuals enumerated in Paragraph 5 of the Complaint are current or former Arkansas State Representatives.

6. Admits the allegations contained in Paragraph 6 of the Complaint.

7. Admits the allegations contained in Paragraph 7 of the Complaint.

8. Admits the allegations contained in Paragraph 8 of the Complaint.

9. Admits the allegations contained in Paragraph 9 of the Complaint.

10. Admits the allegations contained in Paragraph 10 of the Complaint.

11. Admits the allegations contained in Paragraph 11 of the Complaint.

12. With respect to the allegations in Paragraph 12 of the Complaint, Defendant states that these allegations include statements of law that may be subject to dispute and that must ultimately be determined by the courts; therefore, this Defendant is without sufficient information either to admit or deny the allegations.

13. Admits the allegations contained in Paragraph 13 of the Complaint.

14. With respect to the allegations in Paragraph 14 of the Complaint, Defendant states that these allegations include statements of law that may be subject to dispute and that must ultimately be determined by the courts; therefore, this Defendant is without sufficient information either to admit or deny the allegations.

15. With respect to the allegations in Paragraph 15 of the Complaint, Defendant states that these allegations include statements of law that may be subject to dispute and that must ultimately be determined by the courts; therefore, this Defendant is without sufficient information either to admit or deny the allegations.

16. With respect to the allegations in Paragraph 16 of the Complaint, Defendant states that these allegations include statements of law that may be subject to dispute and that must ultimately be determined by the courts; therefore, this Defendant is without sufficient information either to admit or deny the allegations.

17. Denies all allegations of the Complaint not specifically admitted.

WHEREFORE, Defendant Senator David Pryor prays that the Complaint as to him be dismissed.

WILLIAMS & ANDERSON
111 Center Street
Twenty-second Floor
Little Rock, Arkansas 72201
(501) 372-0800

By /s/ Peter G. Kumpe
PETER G. KUMPE, #72073

[Filed Feb. 23, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER OF DEFENDANT SENATOR DALE BUMPERS

Senator Dale Bumpers, for his answer, states as follows:

1. Admits the allegations contained in Paragraph 1 of the Complaint.
2. Admits that Bill Clinton is the former Governor of Arkansas and that Jim Guy Tucker is the Governor of Arkansas. Admits the balance of the allegations contained in Paragraph 2 of the Complaint.
3. Admits that Ray Thornton, Blanche Lambert, Tim Hutchinson, and Jay Dickey are United States Representatives from Arkansas and that Bill Alexander, Beryl Anthony, and John Paul Hammerschmidt are former United States Representatives from Arkansas. Admits the balance of the allegations contained in Paragraph 3 of the Complaint.
4. Admits that the individuals enumerated in Paragraph 4 of the Complaint are current or former Arkansas State Senators.
5. Admits that the individuals enumerated in Paragraph 5 of the Complaint are current or former Arkansas State Representatives.
6. Admits the allegations contained in Paragraph 6 of the Complaint.

7. Admits the allegations contained in Paragraph 7 of the Complaint.

8. Admits the allegations contained in Paragraph 8 of the Complaint.

9. Admits the allegations contained in Paragraph 9 of the Complaint.

10. Admits the allegations contained in Paragraph 10 of the Complaint.

11. Admits the allegations contained in Paragraph 11 of the Complaint.

12. With respect to the allegations in Paragraph 12 of the Complaint, defendant takes no position in this lawsuit regarding the interpretation of Section 6 of the Amendment.

13. Admits the allegations contained in Paragraph 13 of the Complaint.

14. Admits the allegations contained in Paragraph 14 of the Complaint, except that the people of Arkansas, in common with the people of the other several states, may seek to alter the qualifications to be a United States Representative or United States Senator enumerated in the United States Constitution through the exclusive amendatory procedures prescribed in Article V of the United States Constitution.

15. Defendant takes no position in this lawsuit with respect to whether Sections 1 through 3 of the Amendment are inseverable as alleged in Paragraph 15 of the Complaint.

16. Defendant takes no position in this lawsuit with respect to the allegations about the lack of an enacting clause contained in Paragraph 16 of the Complaint.

17. Denies all allegations of the Complaint not specifically admitted.

WHEREFORE, defendant Senator Dale Bumpers prays that this Court grant to the parties all just and proper relief required by the United States Constitution.

Respectfully submitted,

/s/ Michael Davidson
MICHAEL DAVIDSON
Senate Legal Counsel

KEN U. BENJAMIN, JR.
Deputy Senate Legal Counsel

MORGAN J. FRANKEL
CLAIRE M. SYLVIA
Assistant Senate Legal Counsel

642 Hart Senate Office Building
Washington, D.C. 20510-7250
(202) 224-4435

Counsel for Defendant
Senator Dale Bumpers

Dated: February 23, 1993

[Filed Feb. 24, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ORDER AUTHORIZING INTERVENTION

NOW BEFORE THE COURT is the Motion To Intervene Defendants, filed herein by Intervenors Arkansans For Governmental Reform, Inc. and Lawrence Cook, Timothy Jacob, Steve Munn, Tim Epperson, Lance Curtis, Miles King, David Jamison, Sy Mendenhall, Teresa Ulery, Eual Petty, Tommy Munn, Jimmy White, Dr. Bill McCollum, Richard Trubey, Leon Perry, Bruce Burks, Howard Studdard, J.D. Crow and Claudie Ray Ollar (hereinafter referred to collectively "AGR Intervenors"); and, from a consideration of said Motion and other matters, things and proof before the Court, this Court finds that:

1. AGR Intervenors's Motion To Intervene As Defendants has been properly served on all parties herein pursuant to Rule 5, Arkansas Rules of Civil Procedure.
2. No party to this action, including Intervenor Defendant State of Arkansas, has objected to granting the AGR Intervention.
3. Pursuant to Rule 24(b), ARCP, the AGR Intervenors should be permitted to intervene as Defendants herein.

It is, therefore, ORDERED that the AGR Intervenors be, and are hereby, authorized and permitted to intervene as Defendants herein and file their Answer Of Arkansans For Governmental Reform, Inc. Intervenors.

/s/ Chris Piazza
Circuit Judge
Date 2-23-93

[Filed Feb. 24, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

MOTION TO INTERVENE AS DEFENDANTS

For their Motion To Intervene As Defendants, Americans for Term Limits and Steve Goss by their Attorneys, John T. Harmon & Associates, P.A. state:

1. Intervenor Americans for Term Limits is an Arkansas not-for-profit corporation which supports term limits for elected officials and which is specifically interested in enforcing the Amendment to the Arkansas Constitution bearing the popular name: Arkansas Term Limitation Amendment.
2. Intervenor Steve Goss is a resident of and taxpayer of the State of Arkansas.
3. The Intervenors are interested in protecting the integrity of the November 3, 1992 general election vote at which the Amendment was adopted by the voters of Arkansas. Their defense of the Amendment will raise questions of law common to those that will be raised by the other parties herein, and the participation of the Intervenors as intervenors will not unduly delay or prejudice the adjudication of the rights of the original parties.
4. Pursuant to Rule 24(b), this honorable Court should enter an order permitting the Intervenors to intervene as defendants in this action.

WHEREFORE, the Intervenors pray that this Court enter an order authorizing them to intervene as defendants in this action.

AMERICANS FOR TERM LIMITS
STEVE GOSS

By /s/ John T. Harmon
JOHN T. HARMON
JOHN T. HARMON & ASSOC., P.A.
Arkansas Bar No. 68022
410 W. 3rd St., Suite 200
Little Rock, AR 72201
(501) 378-7900
Attorneys for Intervenors

[Filed Feb. 24, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER OF AMERICANS FOR TERM LIMITS
AND STEVE GOSS, INTERVENORS**

For their Answer to the Complaint of Plaintiffs Bobbie E. Hill and the League of Women Voters of Arkansas, Intervenor Americans for Term Limits, and Steve Goss (hereinafter referred to as "American Intervenor") state:

1. The allegations of paragraph one are denied.
2. Plaintiff should be held to strict proof of the allegations of paragraph two through seven and nine through 11.
3. With respect to the allegations of paragraph eight, American Intervenor admits that Act No. 274 of 1953, as amended, codified as Ark. Code Ann. Sections 16-111-101 through -111 entitles litigants to a declaratory judgment under certain circumstances, but deny that Plaintiff's claim presents a justiciable issue for declaratory judgment. The jurisdictional and venue allegations are admitted.
4. The allegations of paragraph 12, 13, 15, and 16 are denied.
5. The allegations of paragraph 14 are admitted only to the extent that Article I, Section 2, Clause 2, and Article I, Section 3, Clause 3 of the Constitution of the United States set forth the qualifications for election of U.S. Representatives and Senators.

6. American Intervenors state that the allegations of paragraph 15 and 18 fail to state facts upon which this Court can grant relief.

WHEREFORE, American Intervenors demand judgment dismissing the Plaintiff's Complaint herein and denying them any relief thereunder, for costs herein, plus all other just and proper relief.

AMERICANS FOR TERM LIMITS
STEVE GOSS

By

JOHN T. HARMON
JOHN T. HARMON & ASSOC., P.A.
Arkansas Bar No. 88022
410 W. 3rd St., Suite 200
Little Rock, AR 72201
(501) 378-7900

Attorneys for Intervenors

[Filed Mar. 4, 1993]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LR-C-93-157

BOBBIE E. HILL, Individually and on Behalf of the
League of Women Voters of Arkansas and
all others Similarly Situated,
Plaintiffs

v.

JIM GUY TUCKER, Governor of the
State of Arkansas; *et al.*,
Defendants

STATE OF ARKANSAS
Ex Rel. ATTORNEY GENERAL
WINSTON BRYANT,
Intervenors

NOTICE OF REMOVAL OF CIVIL ACTION

The State of Arkansas *ex rel.* Winston Bryant, Attorney General ("State of Arkansas") alleges and states:

STATUS OF PETITIONING DEFENDANTS
AND TIME

1. The State of Arkansas is the intervening defendant in the civil action commenced on November 13, 1992, in the Circuit Court for the State of Arkansas for Pulaski County, Second Division, No. 92-6171, styled *Hill, et al. v. Clinton et al.* (See Exhibit 1 hereto)

2. The State of Arkansas was not named as a defendant in the above-referenced action, but filed its motion to intervene as a party defendant therein, which motion was granted by the Court on February 10, 1993. (See Exhibit 2 hereto)

3. The Complaint is the initial pleading setting forth the claim upon which the action is based, and the State of Arkansas first was entitled to plead in this cause on February 10, 1993, on which date the State of Arkansas' Motion to Intervene was granted and entered. No service of process was made upon the State of Arkansas by Plaintiffs.

4. Intervenor/Defendant Arkansans for Governmental Reform ("AGR") constitute the citizens committee which sponsored the ballot question at issue, now Amendment 73 to the Arkansas Constitution, and was granted leave to intervene in the above-referenced cause on February 24, 1993. No service of process was made upon AGR by Plaintiffs.

FEDERAL JURISDICTION

5. This action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. §§ 1331 and is one which defendant is entitled to remove this Court pursuant to Title 28 U.S.C. §§ 1441(b).

6. The question presented by the Complaint in this action arises under the Constitution of the United States, namely, whether the citizens of the State of Arkansas are acting within their sovereign authority to establish a rotation of office of their elected officials, including their Congressional delegation.

7. The State of Arkansas asserts that its citizens are, indeed, acting within their sovereign authority under the United States Constitution to impose certain limits on terms for elected officials, including their federal officials, and further asserts that all claims herein can best be ad-

judicated by the federal court pursuant to 28 U.S.C. §§ 1441(c).

8. Plaintiffs have joined additional and ancillary claims in their petition. One of those claims is strictly related to and dependent upon, the federal question presented to the court. The other state law claim is such that both state law claims can properly be adjudicated by the federal court pursuant to 28 U.S.C. §§ 1441(c).

NOMINAL DEFENDANTS AND REALIGNMENT

9. All defendants named in the original action filed by Plaintiffs are nominal defendants, having been named only because of their past and anticipated future candidacies for election under the laws of the State of Arkansas.

10. The nominal defendants should either be realigned as parties plaintiff according to their interest(s) in the litigation, or dismissed by virtue of their having no interests adverse to the plaintiffs in this action which would create a justiciable controversy for determination by the Court.

11. Certain real parties in interest, namely the State of Arkansas and AGR have intervened. Other indispensable parties have not been named nor served with process in this action.

12. The defendants named by plaintiffs in this action have been included by virtue of their personal interest in having been elected to various offices by the people of Arkansas or by virtue of their potential future role as candidates for public office in Arkansas, as evidenced by the responses filed by plaintiff and certain nominal defendants (the State legislators identified as the "Unified Members") to the Motion to Dismiss filed by nominal defendant Governor Jim Guy Tucker.

13. Virtually each and every one of the named defendants in this action are, in reality, plaintiffs, all of whom seek to declare the Amendment 73 unconstitu-

tional, and should be realigned as such by the Court, as evidenced by the pleadings filed by each.

14. The few nominal defendants whose position on the merits do appear to be contrary to that argued by the plaintiffs are nonetheless not necessary parties to this action, and, as such, their consent is not necessary for removal.

15. The indispensable parties to this action are those officials who, by law, have the responsibility for certifying and preparing ballots for the election of officials, both state and federal, by the people of Arkansas. Said officials have not been named as parties to this action nor served with process herein.

16. The Board of Election Commissioners has no legal role in the actual certification of candidates for their appearance on the ballot, and, as such, the members of said Board of Election Commissioners are nominal only as defendants herein. Said nominal defendants include Bill Clinton, Jim Guy Tucker, Winston Bryant, W.J. "Bill" McCuen, Jimmie Lou Fisher, Julia Hughes Jones, Charlie Daniels, George O. Jernigan, Jr., Asa Hutchinson, Lulu Binns, Shirley McFarland, Richard Biford and Bonnie Johnson.

17. The nominal defendants who are presently or previously elected to the Arkansas House of Representatives, the Arkansas State Senate, and the United States House of Representatives and United States Senate are, likewise, named by virtue of their having been or considered to be in the future candidates for office in and from the State of Arkansas, but have no interests adverse to the plaintiffs which would create a justiciable controversy for determination by the Court. The consent of these nominal defendants is not required for removal of this cause.

18. The nominal defendants Democratic and Republican Parties of Arkansas are, likewise, not real parties in interest nor are they indispensable parties to the ac-

tion by the plaintiffs, and their consent is not required for removal of this cause.

19. The individual supporters of Amendment 73 to the Arkansas Constitution who have been granted leave to intervene are likewise only nominal defendants, and their consent is not required for removal of this cause.

WHEREFORE, the State of Arkansas ex rel. Winston Bryant, Attorney General, files this notice of removal of the above action now pending in the Circuit Court of the State of Arkansas for Pulaski County, Second Division, No. 92-6171, from that Court to this Court.

DATED this March 4, 1993.

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
401 West Capitol, Suite 502
Little Rock, AR 72201

Attorney for Intervenor/Defendant
State of Arkansas ex rel.
Winston Bryant, Attorney General

[Filed Mar. 26, 1993]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

No. LR-C-93-157

(Title Omitted in Printing)

MOTION TO INTERVENE

Pursuant to Rules 24(a)(2) and 24(b)(2) of the Federal Rules of Civil Procedure, U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley, through undersigned counsel, hereby move to intervene as parties defendant, or otherwise as their interests may appear from the record, in the above-captioned case. The reasons are stated in the accompanying Memorandum of Law. A proposed order is also being filed herewith.

Respectfully submitted,

WILLIAMS & CONNOLLY

By: /s/ John G. Kester
JOHN G. KESTER
TERRENCE O'DONNELL
DENNIS M. BLACK

725 12th Street, N.W.
Washington, D.C. 20005
(202) 434-5069

*Attorneys for U.S. Term
Limits, Inc., et al.*

March 26, 1993

[Filed Mar. 26, 1993]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

No. LR-C-93-157

(Title Omitted in Printing)

DISTRICT OF COLUMBIA, SS.:

AFFIDAVIT OF JEFFREY E. LANGAN

Jeffrey E. Langan, being first duly sworn, deposes and says:

1. I am Communications Director of U.S. Term Limits, Inc. ("USTL"). I am an adult citizen of the United States. I make this affidavit of my own personal knowledge.

2. USTL is a non-profit corporation incorporated under the laws of the District of Columbia. USTL's activities have included helping to organize, fund, advise, and provide workers for petition drives and initiative campaigns in favor of term limits provisions in Arkansas and across the country. USTL has approximately 22,000 members nationwide, including many in Arkansas. USTL has exercised a major role in coordinating the national movement to enact term limits provisions, including the successful efforts in Arkansas as well as in Missouri, North Dakota, South Dakota, and Nebraska. USTL has provided support in 14 of the 15 states that have now enacted term limits. USTL is currently planning and helping to organize initiative drives in the nine states with the initiative procedure that have not yet enacted term limits provisions. Additionally, USTL is providing support for efforts to enact term limits provisions in all of the remaining states that have no initiative procedure.

3. Frank Gilbert is an adult citizen and registered voter of Arkansas. He voted for the term limits provision in 1992 and provided support to the Arkansas effort and to USTL.

4. Greg Rice is an adult citizen and registered voter of Arkansas. He voted for the term limits provision in 1992 and provided support to the Arkansas effort and to USTL.

5. Lon Schultz is an adult citizen and registered voter of Arkansas. He voted for the term limits provision in 1992 and provided support to the Arkansas effort and to USTL.

6. Spencer Plumley is an adult citizen and registered voter of Arkansas. He voted for the term limits provision in 1992 and provided support to the Arkansas effort and to USTL.

7. In Arkansas USTL helped to draft the Arkansas term limits provision, helped to organize the petition drive and initiative campaign, and provided substantial funding for voter information campaigns. Many of USTL's Arkansas members, including the individual applicants for intervention named above, provided volunteer support on behalf of the successful Arkansas term limits effort.

8. As a non-profit corporation, USTL depends upon voluntary contributions from supporters of term limits to keep its activities funded. Over 95% of USTL's funds come from private contributions from individuals. The continued availability of such voluntary funding depends upon USTL's supporters recognizing that term limits proposals are a lawful and effective means of changing the system. Court decisions questioning the legal effectiveness of term limits provisions would discourage such volunteer support and inflict economic harm on USTL and, thus injure its ability to carry out its mission. The outcome of this case therefore is important to the economic well being of USTL and to the success of its objectives.

9. USTL has expended and continues to expend significant resources in states other than Arkansas supporting term limits provisions. As a national grass-roots organization, USTL has an interest in upholding not only the Arkansas provision, but all provisions throughout the United States.

10. USTL's present efforts in states other than Arkansas will also be affected by this case. USTL's efforts to secure passage of term limits statutes or constitutional amendments in states without initiative procedures would be hampered by a ruling questioning the Arkansas term limits provisions, and conversely would be assisted by a favorable ruling. Opponents of term limits in other states would seek to use a decision in this case questioning the legal effect of term limits as justification for not supporting term limits provisions. This would be so in Iowa and Minnesota, the only states in the Eighth Circuit that have not enacted term limits proposals (and the only states in the Eighth Circuit without an initiative procedure).

11. On November 3, 1992, 60% of the voters of Arkansas voted to enact the term limits provisions that plaintiff here seeks to have this Court invalidate. Each of the individuals named above provided support—financial, volunteer work, or both—to the effort that achieved term limits for Arkansas. They desire in addition to assure that the decision of the voters of Arkansas in 1992 to enact term limits not be impeded and that they and other citizens and residents of Arkansas live under a government not dominated by the entrenched power of incumbent career politicians.

/s/ Jeffrey E. Langan
JEFFREY E. LANGAN

Subscribed and sworn before me this 26th day of March 1993:

/s/ Catherine D. Collins
Notary Public
My commission expires: April 30, 1996

[Filed March 26, 1993]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

No. LR-C-93-157

(Title Omitted in Printing)

**ANSWER OF INTERVENOR-DEFENDANT
U.S. TERM LIMITS, INC.**

Intervenor-defendants U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley (hereinafter collectively "USTL"), through undersigned counsel, hereby answer plaintiff's Complaint, based upon knowledge, information and belief, as follows.

1. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, on that basis, denies the allegations, except that USTL admits that plaintiff Hill purports to bring this action on behalf of the listed persons, associations, and entities.

2. USTL denies that Bill Clinton is the Governor of Arkansas, that Bill Clinton serves on the State Board of Election Commissioners, and that Jim Guy Tucker is the Lieutenant Governor. USTL avers that Bill Clinton is now the President of the United States and Jim Guy Tucker is now the Governor of Arkansas and a member of the State Board of Election Commissioners. USTL admits the remaining allegations of paragraph 2.

3. USTL admits that Dale Bumpers and David Pryor are United States Senators from Arkansas and that the persons listed in the second sentence of paragraph 3 are

Representatives or former United States Representatives from Arkansas.

4. USTL admits that the persons listed in paragraph 4 are State Senators or former State Senators.

5. USTL admits that the persons listed in paragraph 5 are State Representatives or former State Representatives.

6. USTL admits the allegations of paragraph 6.

7. USTL admits the allegations of paragraph 7.

8. USTL admits that plaintiff purports to seek a declaratory judgment, but denies that plaintiff's prayer for relief seeks a declaratory judgment with regard to her purported political and constitutional rights to advocate, to contribute to the election of, and to vote for candidates for election to anything but the Arkansas Congressional Delegation without regard to the prior incumbency of any of such candidates in any such offices. As a result of the removal of this action to this Court, USTL denies the remaining allegations of paragraph 8.

9. USTL admits the allegations of paragraph 9.

10. USTL states that the Amendment speaks for itself and refers the Court to the Amendment for its terms.

11. USTL states that the Amendment speaks for itself and refers the Court to the Amendment for its terms.

12. Paragraph 12 states a legal conclusion to which USTL need not respond. To the extent a response is necessary, USTL denies the allegations of paragraph 12.

13. USTL denies the allegations of the first sentence of paragraph 13, and in response to the second sentence states that the Amendment speaks for itself and refers the Court to the Amendment for its terms. USTL denies that the practical effect of the Amendment is to impose a substantive qualification for election to federal offices.

14. Paragraph 14 states a legal conclusion to which USTL need not respond. To the extent a response is required, USTL denies the allegations of paragraph 14.

15. Paragraph 15 consists principally of legal argument to which USTL need not respond. To the extent paragraph 15 contains factual allegations, they are denied.

16. In response to the first sentence of paragraph 16, USTL states that the Petition speaks for itself and refers the Court to the Petition for its terms. USTL is without knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence and on that basis denies the allegations of the second sentence. The third sentence states a legal conclusion to which USTL need not respond; to the extent a response is necessary, the allegation is denied.

17. USTL denies that plaintiff is entitled to any of the relief sought in her prayer for relief.

18. All allegations not expressly admitted are denied.

FIRST AFFIRMATIVE DEFENSE

To the extent that plaintiff's claim is premised upon the supposed significance of the alleged absence of an Enacting Clause, plaintiff's Complaint is barred by wavier and laches.

WILLIAMS & CONNOLLY

By: /s/ John G. Kester
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*Attorneys for U.S. Term
Limits, Inc., et al.*

March 26, 1993

[Filed Apr. 28, 1993]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

(Title Omitted in Printing)

ORDER

Pursuant to the findings and conclusions announced from the bench at the conclusion of the hearing held in this matter on Tuesday, April 27, 1993, plaintiff's Motion To Remand is hereby granted.

It is SO ORDERED this 28th day of April, 1993.

/s/ Stephen M. Reasoner
United States District Judge

[Filed June 2, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

No. 92-6171

BOBBIE E. HILL, Individually, And On Behalf Of THE
LEAGUE OF WOMEN VOTERS OF ARKANSAS And All
Others Similarly Situated, and DICK HERGET, Individ-
ually And On Behalf Of All Others Similarly Situated,
Plaintiffs

v.

JIM GUY TUCKER, Governor of the State of Arkansas;
WINSTON BRYANT, Attorney General; W. J. "BILL"
MC CUEN, Secretary of State; JIMMIE LOU FISHER,
Treasurer of State; JULIA HUGHES JONES, Auditor of
State; CHARLIE DANIELS, Land Commissioner; THE
ARKANSAS CONGRESSIONAL DELEGATION, Including
DALE BUMPERS, DAVID PRYOR, RAY THORNTON,
BLANCHE LAMBERT, TIM HUTCHINSON, And JAY
DICKEY; THE ARKANSAS SENATE, Including JAMES C.
"JIM" SCOTT, W.D. "BILL" MOORE, JR., MIKE ROSS,
WAYNE DOWD, NEELY CASSADY, GEORGE HOPKINS,
JEAN C. EDWARDS, JAY BRADFORD, BILL WALTERS,
TRAVIS A. MILES, LU HARDIN, EUGENE "BUD" CAN-
ADA, CHARLIE COLE CHAFFIN, VIC SNYDER, JERRY D.
JEWELL, CLIFF HOOFMAN, STANLEY RUSS, MIKE
BEEBE, ROY C. "BILL" LEWELLEN, MIKE EVERETT,
STEVE BELL, ALLEN GORDON, JON S. FITCH, MORRIL
HARRIMAN, MIKE BEARDEN, JERRY P. BOOKOUT, MIKE
TODD, NICK WILSON, STEVE LUELF, JOE E. YATES,
DAVID R. MALONE, KEVIN SMITH, JIM KEET, BILL
GWATNEY, And REID HOLIMAN; THE ARKANSAS
HOUSE OF REPRESENTATIVES, Including RAILEY A.
STEELE, JERRY E. HINSHAW, LOUIS MCJUNKIN,
CHARLES W. STEWART, BOB FAIRCHILD, JERRY HUN-
TON, EDWARD F. THICKSTEN, B.G. HENDRIX, CARO-

LYN POLLAN, RALPH "BUDDY" BLAIR, JR., JERRY D. KING, W.R. "BUD" RICE, ODE MADDOX, GUS WINGFIELD, HOYE D. HORN, DAVID BEATTY, ARTHUR CARTER, CHARLES WHORTON, JR., FRANK J. WILLEMS, LLOYD R. GEORGE, KEITH WOOD, BOB J. WATTS, L.L. "DOC" BRYAN, BRUCE HAWKINS, TED E. MULLENIX, JAMES C. ALLEN, JOHN W. PARKERSON, BOB "SODY" ARNOLD, JUDY SMITH, JOHN H. DAWSON, BILLY JOE PURDOM, ROGER L. RORIE, RANDY THURMAN, W.H. "BILL" SANSON, BILL STEPHENS, LARRY MITCHELL, H. LACY LANDERS, VEO EASLEY, BOBBY G. NEWMAN, JODIE MAHONY, PHIL WYRICK, MYRA JONES, JIM ARGUE, JR., WILLIAM L. "BILL" WALKER, JR., MARK PRYOR, IRMA HUNTER BROWN, CAROL "COACH" HENRY, JAMES G. DIETZ, DOUG WOOD, MIKE WILSON, WILLIAM H. TOWNSEND, LARRY GOODWIN, JOHN E. MILLER, JOHN PAUL CAPPS, J. STURGIS MILLER, JOSETTA E. WILKINS, JACQUELINE J. ROBERTS, CHARLOTTE SCHEXNAYDER, JIMMIE DON MCKISSACK, MICHAEL K. DAVIS, THOMAS G. BAKER, ALBERT "TOM" COLLIER, V.O. "BUTCH" CALHOUN, WANDA NORTHCUTT, JAMES T. JORDAN, N.B. "NAP" MURPHY, JIM HOLLAND, TIM WOOLDRIDGE, BOBBY G. WOOD, BOBBY L. HOGUE, OWEN MILLER, J.L. "JIM" SHAVER, PAT FLANAGIN, WAYNE WAGNER, WALTER M. DAY, CHRISTENE BROWNLEE, BEN MCGEE, LLOYD C. MCCUISTON, JR., BOB MCGINNIS, ERNEST CUNNINGHAM, JIMMIE L. WILSON, BYNUM GIBSON, DAVE BISBEE, RANDY BRYANT, JOHN HALL, JIM HILL, DENNIS YOUNG, ARMIL O. CURRAN, D.R. "BUDDY" WALLIS, VADA SHEID, GREG WREN, E. RAY STALNAKER, MARK RIABLE, DEE BENNETT, JOE MOLINARO, DAVID CHOATE, BILLI FLETCHER, MARIAN D. OWENS, And CLAUD V. CASH; GEORGE O. JERNIGAN, JR., ASA HUTCHINSON; LULA BINNS; SHIRLEY MCFARLIN; RICHARD BIFFORD; BONNIE JOHNSON; THE REPUBLICAN PARTY OF ARKANSAS; And THE DEMOCRATIC PARTY OF ARKANSAS,

Defendants

AMENDED COMPLAINT

Comes the Plaintiffs, by their undersigned attorneys, and for their Amended Complaint, state and allege as follows:

PARTIES

1. Plaintiff Bobbie Hill is a United States citizen and a citizen, resident, taxpayer and registered voter of the State of Arkansas (the "State"). She brings this action individually and on behalf of all other citizens, residents, taxpayers and registered voters similarly situated. She also brings this action on behalf of the League of Women Voters of Arkansas (the "League"). The League is an Arkansas non-profit corporation with approximately 700 active members throughout the State. The League is a non-partisan political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. Bobbie Hill is a member, the First Vice President, and the immediate past-President of the League. Bobbie Hill also resides within the 38th Legislative District for the State House of Representatives.

2. Plaintiff Dick Herget is a United States citizen and a citizen, resident, taxpayer and registered voter of the State in Pulaski County. He joins this action individually and on behalf of all other citizens, residents, taxpayers and registered voters similarly situated. Dick Herget is a registered voter in the Second Congressional District of the State.

3. Jim Guy Tucker is the Governor of the State. Winston Bryant is the Attorney General of the State. W.J. "Bill" McCuen is the Secretary of State. Jimmie Lou Fisher is the Treasurer of State. Julia Hughes Jones is the Auditor of State. Charlie Daniels is the Land Commissioner of the State. Each of the foregoing persons is a member of the State Board of Election Commissioners.

4. Dale Bumpers and David Pryor are United States Senators from the State. Ray Thornton, Blanche Lambert, Tim Hutchinson and Jay Dickey are United States Representatives from the State.

5. James C. "Jim" Scott, W.D. "Bill" Moore, Jr., Mike Ross, Wayne Dowd, Neely Cassady, George Hopkins, Jean C. Edwards, Jay Bradford, Bill Walters, Travis A. Miles, Lu Hardin, Eugene "Bud" Canada, Charlie Cole Chaffin, Vic Snyder, Jerry D. Jewell, Cliff Hoofman, Stanley Russ, Mike Beebe, Roy C. "Bill" Lewellen, Mike Everett, Steve Bell, Allen Gordon, Jon S. Fitch, Morrill Harriman, Mike Bearden, Jerry P. Bookout, Mike Todd, Nick Wilson, Steve Luelf, Joe E. Yates, David R. Malone, Kevin Smith, Jim Keet, Bill Gwatney and Reid Holiman are State Senators.

6. Railey A. Steele, Jerry E. Hinshaw, Louis McJunkin, Charles W. Stewart, Bob Fairchild, Jerry Hunton, Edward F. Thicksten, B.G. Hendrix, Carolyn Pollan, Ralph "Buddy" Blair, Jr., Jerry D. King, W.R. "Bud" Rice, Ode Maddox, Gus Wingfield, Hoye D. Horn, David Beatty, Arthur Carter, Charles Whorton, Jr., Frank J. Willems, Lloyd R. George, Keith Wood, Bob J. Watts, L.L. "Doc" Bryan, Bruce Hawkins, Ted E. Mullenix, James C. Allen, John W. Parkerson, Bob "Sody" Arnold, Judy Smith, John H. Dawson, Billy Joe Purdom, Roger L. Rorie, Randy Thurman, W.H. "Bill" Sanson, Bill Stephens, Larry Mitchell, H. Lacy Landers, Veo Easley, Bobby G. Newman, Jodie Mahony, Phil Wyrick, Myra Jones, Jim Argue, Jr., William L. "Bill" Walker, Jr., Mark Pryor, Irma Hunter Brown, Carol "Coach" Henry, James G. Dietz, Doug Wood, Mike Wilson, William H. Townsend, Larry Goodwin, John E. Miller, John Paul Capps, J. Sturgis Miller, Josetta E. Wilkins, Jacqueline J. Roberts, Charlotte Schexnayder, Jimmie Don McKissack, Michael K. Davis, Thomas G. Baker, Albert "Tom" Collier, V.O. "Butch" Calhoun, Wanda Northcutt, James T. Jordan, N.B. "Nap" Murphy, Jim Holland, Tim Woold-

ridge, Bobby G. Wood, Bobby L. Hogue, Owen Miller, J.L. "Jim" Shaver, Pat Flanagan, Wayne Wagner, Walter M. Day, Christene Brownlee, Ben McGee, Lloyd C. McCuiston, Jr., Bob McGinnis, Ernest Cunningham, Jimmie L. Wilson, Bynum Gibson, Dave Bisbee, Randy Bryant, John Hall, Jim Hill, Dennis Young, Armil O. Curran, D.R. "Buddy" Wallis, Vada Sheid, Greg Wren, E. Ray Stalnaker, Mark Riabie, Dee Bennett, Joe Molinaro, David Choate, Bill Fletcher, Marian D. Owens and Claud V. Cash are State Representatives.

7. George O. Jernigan, Jr. is the Chairman of the Democratic Party of Arkansas and a member of the State Board of Election Commissioners. Asa Hutchinson is the Chairman of the Republican Party of Arkansas and a member of the State Board of Election Commissioners. Lula Binns, Shirley McFarlin, Richard Bifford and Bonnie Johnson are members of the State Board of Election Commissioners.

8. The Republican Party of Arkansas and the Democratic Party of Arkansas are political parties as defined in Ark. Code Ann. § 7-1-101 (Supp. 1991).

JURISDICTION AND VENUE

9. Plaintiffs seek declaratory judgment pursuant to Ark. Code Ann. § 16-111-101 *et seq.* (1987) with regard to their political and constitutional rights to advocate the election of, to contribute to the election of, and to vote for, candidates for election to the Executive Department of the State, the State Senate, the State House of Representatives, and the Arkansas Congressional Delegation, without regard to the prior incumbency of any of such candidates in any such offices. Venue is in this Court pursuant to Ark. Code Ann. §§ 16-60-103, 105 (1987) and Ark. Code Ann. § 16-106-101 (1987).

BACKGROUND FACTS

10. On November 3, 1992, the voters of this State approved a proposed amendment to the Arkansas Constitution entitled the "Arkansas Term Limitation Amendment" (herein, the "Amendment"). The Amendment was proposed to the people by means of an initiative petition (the "Petition"), which was filed with Defendant McCuen pursuant to Amendment 7 to the Arkansas Constitution.

11. The popular name and ballot title of the Amendment, which were printed upon the November 3, 1992 election ballot, provided as follows:

POPULAR NAME—ARKANSAS TERM LIMITATION AMENDMENT

BALLOT TITLE—An Amendment to the Constitution of the State of Arkansas limiting the number of terms that may be served by the elected officials of the Executive Department of the state to two (2) four-year terms, this department to consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, Commissioner of State Lands; limiting the number of terms that may be served by members of the Arkansas House of Representatives to three (3) two-year terms, these members to be chosen every second year; limiting the number of terms that may be served by members of the Arkansas Senate to two (2) four-year terms, these members to be chosen every four years; providing that any person having been elected to three (3) or more terms as a member of the United States House of Representatives from Arkansas shall not be eligible to appear on the ballot for election to the United States House of Representatives from Arkansas; providing that any person having been elected to two (2) or more terms as a member of the United States Senate from Ar-

kansas shall not be eligible to appear on the ballot for election to the United States Senate from Arkansas; providing for an effective date of January 1, 1993; and making the provisions applicable to all persons thereafter seeking election to the specified offices.

12. The language of the Petition that immediately followed the ballot title, which included the text of the Amendment, but which was not printed upon the November 3, 1992 election ballot, provided as follows:

SUMMARY:

This amendment provides a limit of two (2) terms to the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands. It provides a limit of three (3) terms of State Representatives, and a limit of two (2) terms to State Senators. It also provides that persons having been elected three (3) or more terms as a member of the United States House of Representatives from Arkansas shall not be eligible to appear on the ballot for election to the United States House of Representatives from Arkansas. Lastly, it provides that any person having been elected to two (2) or more terms as a member of the United States Senate from Arkansas shall not be eligible to appear on the ballot for election to the United States Senate from Arkansas.

PREAMBLE:

The people of Arkansas find and declare that elected officials who remain in office too long become preoccupied with reelection and ignore their duties as representatives of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, less competi-

tive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of the elected officials.

SECTION 1—Executive Branch:

(a) The Executive Department of the State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four years, and until their successors are elected and qualified.

(b) No elected officials of the Executive Department of this State may serve in the same office more than two such four year terms.

SECTION 2—Legislative Branch:

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. No member of the Arkansas House of Representatives may serve more than three such two year terms.

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. No member of the Arkansas Senate may serve more than two such four year terms.

SECTION 3—Congressional Delegation:

(a) Any person having been elected to three or more terms as a member of the United States House of Representatives from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the

United States House of Representatives from Arkansas.

(b) Any person having been elected to two or more terms as a member of the United States Senate from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States Senate from Arkansas.

SECTION 4—Severability:

The provisions of this Amendment are severable, and if any should be held invalid, the remainder shall stand.

SECTION 5—Provisions Self-Executing

Provisions of the Amendment shall be self-executing.

SECTION 6—Application

(a) This Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all persons thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this amendment.

13. Pursuant to Section 6 of the Amendment, from and after January 1, 1993, all persons with prior experience as incumbents in the offices enumerated in the Amendment will be limited with regard to their eligibility to serve additional terms in such offices, or to have their names placed on the election ballot for election to such offices, as provided in the Amendment.

14. The purpose and intent of Section 3 of the Amendment is to effectively limit the terms of the State's

Congressional Delegation. The limitation is expressed in terms of a candidate's eligibility to have his or her name placed on the ballot; however, the practical effect is to impose a substantive qualification for election to these federal offices.

15. Plaintiffs' present plans, desires, hopes and efforts to campaign for, raise money for, contribute to, associate with, support and otherwise promote the candidates of their choice for re-election are hampered, impaired and discriminated against by the existence of the Amendment.

16. Plaintiff Dick Herget plans, desires and hopes to re-elect Congressman Ray Thornton to the United States House of Representatives for the Second Congressional District of Arkansas. Congressman Thornton intends to run for re-election in 1994 but for the effects of the Amendment on his re-election campaign.

17. Congressman Thornton previously served three terms in the United States House of Representatives and his re-election campaign is hampered and impaired because of uncertainties regarding his eligibility for the 1994 election. The uncertainties regarding the constitutionality and applicability of the Amendment to Congressman Thornton's re-election campaign places a cloud upon Dick Herget's efforts to campaign for, raise money for, contribute to, associate with, support or otherwise promote Congressman Thornton for re-election.

18. Plaintiff Bobbie Hill plans, desires and hopes to re-elect John Dawson to the State House of Representatives. On information and belief, John Dawson intends to run for re-election in 1994 but for the effects of the Amendment upon his re-election campaign.

19. John Dawson previously served seven terms in addition to his current term in the State House of Representatives and his re-election campaign is hampered and impaired because of uncertainties regarding his eligibility

for the 1994 election. The uncertainties regarding the constitutionality and applicability of the Amendment to John Dawson's re-election campaign places a cloud upon Bobbie Hill's efforts to campaign for, raise money for, contribute to, associate with, support and otherwise promote John Dawson for re-election.

COUNT I

(QUALIFICATIONS CLAUSE)

15. The qualifications for election as a U.S. Representative or U.S. Senator are set forth in Article I, Section 2, Clause 2 and Article I, Section 3, Clause 3 of the federal constitution. These federal constitutional qualifications are exclusive. The State of Arkansas has no power to add any additional qualifications to the ones enumerated in the federal constitution. The Amendment seeks to impose an additional qualification for election as a U.S. Representative or U.S. Senator from Arkansas, Section 3 is unconstitutional and void.

COUNT II

(RIGHT OF ASSOCIATION)

16. The Amendment violates Plaintiffs' rights of association and freedom of expression guaranteed by the First and Fourteenth Amendments to the United States Constitution.

COUNT III

(REPUBLICAN FORM OF GOVERNMENT)

17. The Amendment violates Article IV, Section 3 of the United States Constitution, guaranteeing each State a republican form of government.

COUNT IV

(SUPREMACY CLAUSE)

18. The Amendment violates Article VI, cl.2 of the United States Constitution, the Supremacy Clause.

COUNT V
(SEVERABILITY)

19. The Amendment is inherently non-severable. The voters of this State adopted the Amendment as a whole, as expressed by the words of the ballot title: "making the provisions applicable to *all persons* thereafter seeking election *to the specified offices*." (Emphasis added.) Although the text of the Amendment contains a severability clause in Section 4, the severability clause was not disclosed to the voters at the time that they exercised the franchise and was not expressly approved by them. In addition, the voters of this State would not have approved the Amendment without Section 3. Section 3 capitalized upon the popular issue of anti-incumbency, particularly as directed toward the U.S. House of Representatives, and thereby induced a favorable vote for the entire proposal. Sections 1 through 3 are so intertwined that the voters could not have intended Sections 1 and 2 to stand without Section 3 despite the undisclosed severability clause.

COUNT VI
(ENACTING CLAUSE)

20. The Petition filed with Defendant McCuen did not contain the following words preceding the text of the Amendment: "Be It Enacted By The People Of The State of Arkansas," or words to that effect (herein, an "Enacting Clause"). None of the publications of the Amendment by Defendant McCuen to the people prior to the election contained an Enacting Clause. Due to the lack of an Enacting Clause for the Amendment, the Amendment is void and unenforceable, notwithstanding the favorable vote of the people.

PRAYER

WHEREFORE, Plaintiffs pray for a Declaratory Judgment by this Court, declaring and holding (i) that the Amendment is unconstitutional and void under the federal

constitution, (ii) that Sections 1 through 3 of the Amendment are non-severable and should be stricken in their entirety, and (iii) that the Amendment fails to have an Enacting Clause and is unenforceable and void in its entirety. Plaintiffs further pray for their costs, and for all other just and proper relief.

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Attorneys for Plaintiffs

By: /s/ Elizabeth J. Robben
ELIZABETH J. ROBBEN

[Filed June 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER AND CROSS-COMPLAINT OF
GEORGE O. JERNIGAN AND THE DEMOCRATIC PARTY
OF ARKANSAS TO AMENDED COMPLAINT**

George O. Jernigan, Jr. and the Democratic Party of Arkansas, for their answer to plaintiffs' Amended Complaint, state:

1. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Amended Complaint.

2. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 2 of the Amended Complaint.

3. Admit the allegations contained in Paragraph 3 of the Amended Complaint.

4. Admit the allegations contained in Paragraph 4 of the Amended Complaint.

5. Admit that each person identified in Paragraph 5 of the Amended Complaint is a State Senator or a former State Senator.

6. Admit that each person identified in Paragraph 6 of the Amended Complaint is a State Representative or a former State Representative.

7. Admit the allegations contained in Paragraph 7 of the Amended Complaint.

8. Admit the allegations contained in Paragraph 8 of the Amended Complaint.

9. Admit that this Court has jurisdiction and venue is proper as alleged in Paragraph 9 of the Amended Complaint.

10. Admit the allegations contained in Paragraph 10 of the Amended Complaint.

11. Admit the allegations contained in Paragraphs 11, 12 and 13 of the Amended Complaint.

12. Admit the allegations contained in Paragraph 14 of the Amended Complaint.

13. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 15 of the Amended Complaint.

14. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 16 of the Amended Complaint.

15. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraph 17 of the Amended Complaint.

16. That they lack sufficient knowledge and information to admit or deny the allegations contained in Paragraphs 18 and 19 of the Amended Complaint.

17. Admit the allegations contained in the second Paragraphs 15, 16, 17, 18, 19 and 20 of the Amended Complaint.

18. That they adopt and reallege all statements contained in their answer to plaintiffs' original Complaint.

19. Deny all allegations of the Amended Complaint not specifically admitted herein.

WHEREFORE, Defendants George O. Jernigan, Jr. and the Democratic Party of Arkansas pray that this

Court grant to them all just proper relief as requested through their denials and admissions above.

CROSS-COMPLAINT FOR DECLARATORY JUDGMENT

Pursuant to the provisions of Ark. Code Ann. §§ 16-111-101 *et seq.* (1987), Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaratory judgment with regard to their political and constitutional rights and the legality of their actions as the majority party in Arkansas under the provisions of the challenged Amendment.

20. Defendants/Cross-claimants Jernigan and the Democratic Party reallege all of their Admissions of the allegations set forth in Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 and second Paragraphs 15, 16, 17, 18, 19 and 20 of the Amended Complaint and incorporate these paragraphs by reference.

21. Further, Defendants/Cross-claimants Jernigan and the Democratic Party assert their claims for a declaratory judgment against the current Arkansas "Constitutional" Officers identified in Paragraph 3 of the Amended Complaint. These cross-defendants, specifically Governor Jim Guy Tucker, Attorney General Winston Bryant, Secretary of State Bill McCuen, Treasurer Jimmie Lou Fisher, Auditor Julia Hughes Jones, and Land Commissioner Charlie Daniels, are the state executive officials upon whom the responsibility falls for the execution and enforcement of the provisions of the Amendment.

22. Defendants/Cross-claimants Jernigan and the Democratic Party reallege and adopt their admissions contained in Paragraphs 10 and 11 of their Answer regarding the language and public vote on the Amendment, and affirmatively state that the terms of Section 3 of the Amendment are unconstitutional because they impose additional requirements for appearing on the ballot as a candidate for U.S. Representative or U.S. Senator beyond

those exclusive qualifications and requirements set forth in the federal constitution. Moreover since Sections 1 through 3 of the Amendment are non-severable, the entire Amendment is unconstitutional and void. Further, because the text of the Amendment lacks an appropriate enacting clause, the entire Amendment is void and unenforceable.

23. Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaration determining the rights of the parties as they relate to the Democratic Party's primaries and the attempt by candidates for the U.S. Senate and House of Representatives, the Arkansas General Assembly and state constitutional offices. Defendants/Cross-claimants Jernigan and the Democratic Party further seek a declaration concerning any actions by the cross-defendants identified in paragraph 21 of this Answer/Cross-Complaint to interpret and enforce terms and provisions of the Act so as to dictate to Defendants/Cross-claimants Jernigan and the Democratic Party which candidates may appear on the Democrat's ballot. Specifically, Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaration of rights with regard to the following:

- a. Under the Amendment when does one begin counting terms toward the limit on terms of service?
 - i) Does the Amendment not count any terms served prior to January 1, 1993, toward the maximum allowable terms?
 - ii) Does the term to which one was elected in the November 3, 1992, general election (service of which did not begin until on or after January 1, 1993) count toward the maximum?
 - iii) Is non-consecutive service or service from different districts in the U.S. House of Representatives counted toward the maximum allowable terms?

- iv) Is service in the Arkansas House of Representatives or Arkansas Senate from different districts counted toward the maximum allowable terms?
- b. Does Section 3 of the Amendment violate the federal constitution by imposing an additional qualification on the election of, or eligibility for a ballot position as a candidate for U.S. Representatives or U.S. Senators from Arkansas?
- c. Are Sections 1 through 3 non-severable and therefore void in their entirety?
- d. Is the enacting clause inadequate and ineffective such that the Amendment is unenforceable in its entirety?

WHEREFORE, Defendants/Cross-claimants Jernigan and the Democratic Party seek a declaratory judgment by this Court declaring the rights of the parties and the public as to the issues raised in Paragraph 23 above; and all other just and proper relief to which they may be entitled.

WRIGHT, LINDSEY & JENNINGS
 2200 Worthen Bank Building
 200 West Capitol Avenue
 Little Rock, Arkansas 72201-3699
 (501) 371-0808

By /s/ Karen J. Garnett
 KAREN J. GARNETT (90168)
 STUART JACKSON (92154)
 Attorneys for Defendant/Cross
 Claimants George O. Jernigan, Jr.
 and the Democratic Party of
 Arkansas

[Filed Jun 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER TO AMENDED COMPLAINT

For their Answer to the Plaintiff's Amended Complaint, Defendants/Intervenors Arkansans For Governmental Reform, Inc., *et al.* ("AGR") states:

1. AGR denies the allegations set forth in Paragraphs one and two of said Amended Complaint.

2. AGR admits the allegations set forth in Paragraphs, three, four, five, six, seven and eight.

3. With respect to paragraph nine, AGR denies that the Plaintiffs's Amended Complaint states a cause of action cognizable under the Declaratory Judgment Act, Ark. Code Ann. Sections 16-111-101 through -111 (1987). AGR admits that venue is proper in this honorable Court.

4. AGR admits the allegations set forth in paragraph 10.

5. AGR denies the allegations set forth in paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 and COUNT I (also numbered paragraph 15), COUNT II (also numbered paragraph 16), COUNT III (also numbered paragraph 17) and COUNT IV (also numbered paragraph 18).

6. By way of affirmative defense, AGR states that all "status" arguments, that is, the retroactive or prospec-

tive application of Amendment 73, are premature because no plaintiff or defendant is or has been presently affected, adversely or otherwise, by the Amendment or its application. Plaintiffs are asking this Court to render an advisory opinion on the application of Amendment 73 to hypothetical situations. The "status" application of Amendment 73 will become real and immediate under only two circumstances: an incumbent is denied ballot access because of prior service or a challenger objects to granting ballot access to an incumbent whose prior service would disqualify him (or her) if Amendment 73 were retroactively applied. In other words, a justiciable "status" issue can arise only after the appropriate ballot access authority has denied ballot access because of prior service or is haled into court by a challenger for granting ballot access in spite of prior service that would prevent ballot access if Amendment 73 were applied retroactively. AGR is fully aware that there may be some discomfort and uncertainty in settling the "status" issue as described above; however, that discomfort and uncertainty in no way mandate or justify this Court's rendition of an advisory opinion on the issue.

7. Pleading further, AGR states that the Amended Complaint fails to state a cause of action under the Declaratory Judgement Act upon which this Court can grant relief on the severability or the enacting clause allegations. Nothing in the language of the Act nor in the Arkansas Supreme Court's interpretations and applications of the Act provides a jurisdiction basis for an action to strike from the Constitution of Arkansas an amendment approved by the voters.

WHEREFORE, AGR demands judgment against Plaintiffs dismissing their Amended Complaint and denying them any relief thereunder, and awarding AGR such other relief as the Court deems proper.

**ARKANSANS FOR GOVERNMENTAL REFORM,
INC., *et al.***

By /s/ James F. Lane
JAMES F. LANE
Arkansas Bar No. 75075
Attorney for AGR
Post Office Box 23296
Little Rock, AR 72221-3296
501/227-8416

CLETA DEATHERAGE MITCHELL
Term Limits Legal Institute
Co-Counsel for AGR
900 Second Street, NE #200a
Washington, D.C. 20002
202/371-0450

[Filed Jun 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER OF INTERVENOR-DEFENDANT
U.S. TERM LIMITS, INC.**

Intervenor-defendants U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley (hereinafter collectively "USTL"), through undersigned counsel, hereby answer plaintiff's Amended Complaint, based upon knowledge, information and belief, as follows:

1. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, on that basis, denies the allegations, except that USTL admits that plaintiff Hill purports to bring this action on behalf of the listed persons, associations, and entities.

2. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 and, on that basis, denies the allegations.

3. USTL admits the allegations of paragraph 3.

4. USTL admits that Dale Bumpers and David Pryor are United States Senators from Arkansas and that the persons listed in the second sentence of paragraph 4 are Representatives of former United States Representatives from Arkansas.

5. USTL admits that the persons listed in paragraph 5 are State Senators or former State Senators.

6. USTL admits that the persons listed in paragraph 6 are State Representatives or former State Representatives.
7. USTL admits the allegations of paragraph 7.
8. USTL admits the allegations of paragraph 8.
9. USTL admits that plaintiff purports to seek a declatory judgment, but denies that plaintiff's prayer for relief seeks a declaratory judgment with regard to her purported political and constitutional rights to advocate, to contribute to the election of, and to vote for candidates for election to anything but the Arkansas Congressional Delegation without regard to the prior incumbency of any such candidates in any such offices. USTL admits the remaining allegations of paragraph 9.
10. USTL admits the allegations of paragraph 10.
11. USTL states that the Amendment speaks for itself and refers the Court to the Amendment for its terms.
12. USTL states that the Amendment speaks for itself and refers the Court to the Amendment for its terms.
13. Paragraph 12 states a legal conclusion to which USTL need not respond. To the extent a response is necessary, USTL denies the allegations of paragraph 13.
14. USTL denies the allegations of the first sentence of paragraph 14, and in response to the second sentence states that the Amendment speaks for itself and refers the Court to the Amendment for its terms. USTL denies the practical effect of the Amendment is to impose a substantive qualification for election to federal offices.
15. USTL denies the allegations of paragraph 15.
16. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 and, on that basis, denies the allegations.
17. USTL lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 17 and, on that basis, denies the allegations.

18. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 and, on that basis, denies the allegations.

19. USTL lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 and, on that basis, denies the allegations.

20. Paragraph 15 (Count I) states a legal conclusion to which USTL need not respond. To the extent a response is required, USTL denies the allegations of paragraph 15.

21. Paragraph 16 (Count II) states a legal conclusion to which USTL need not respond. To the extent a response is required, USTL denies the allegations of paragraph 16.

22. Paragraph 17 (Count III) states a legal conclusion to which USTL need not respond. To the extent a response is required, USTL denies the allegations of paragraph 17.

23. Paragraph 18 (Count IV) states a legal conclusion to which USTL need not respond. To the extent a response is required, USTL denies the allegations of paragraph 18.

24. Paragraph 19 (Count V) consists principally of legal argument to which USTL need not respond. To the extent paragraph 19 contains factual allegations, they are denied.

25. In response to the first sentence of paragraph 20 (Count VI), USTL states that the Petition speaks for itself and refers the Court to the Petition for its terms. USTL is without knowledge or information sufficient to form a belief as to the truth of the allegations of the second sentence and on that basis denies the allegations of the second sentence. The third sentence states a legal conclusion to which USTL need not respond; to the extent a response is necessary, the allegation is denied.

26. USTL denies that plaintiff is entitled to any of the relief sought in her prayer for relief.

27. All allegations not expressly admitted are denied.

FIRST AFFIRMATIVE DEFENSE

To the extent that plaintiff's claim is premised upon the supposed significance of the alleged absence of an Enacting Clause, plaintiff's Complaint is barred by waiver and laches.

Respectfully submitted,

ALLEN LAW FIRM

By: /s/ H. William Allen
H. WILLIAM ALLEN

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WILLIAMS & CONNOLLY

By: /s/ Terrence O'Donnell
JOHN G. KESTER
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*Attorneys for U.S. Term
Limits, Inc., et al.*

June 17, 1993

[Filed Jun 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER TO AMENDED COMPLAINT

Comes the State of Arkansas Ex. Rel. Attorney General Winston Bryant, Intervenor, by its counsel, and for its Answer to the Amended Complaint, states:

1. As to Paragraph 1 of the Complaint (references to Paragraphs are to the corresponding paragraphs of the Amended Complaint), it is without information as to the allegations and denies same.

2. As to Paragraph 2, it is without information and denies same.

3. It admits Paragraph 3.

4. It admits Paragraph 4.

5. It admits Paragraph 5.

6. It admits Paragraph 6.

7. It admits Paragraph 7.

8. It admits Paragraph 8.

9. As to Paragraph 9, it admits that Plaintiffs seek declaratory relief pursuant to A.C.A. § 16-11-101 *et seq.* (1987), but denies that any rights alleged therein are presently affected. It admits venue.

10. It admits Paragraph 10.

11. As to Paragraph 11, the popular name and ballot title speak for themselves, and no response is required.

12. As to Paragraph 12, the language of the petition immediately following the ballot title speaks for itself, and no response is required.

13. As to Paragraph 13, a conclusion is stated, and it denies such conclusion.

14. It denies Paragraph 14.

15. It has no information as to Paragraph 16 and denies same.

16. It has no information as to Paragraph 16 and denies same.

17. As to Paragraph 17, it admits that Congressman Thornton has served three terms in the U.S. House of Representatives. It has no information with regard to all other allegations of Paragraph 17 and denies same.

18. As to Paragraph 18, it is without information and denies same.

19. As to Paragraph 19, it is without information and denies same.

20. It denies second Paragraph 15.

21. It denies second Paragraph 16.

22. It denies second Paragraph 17.

23. It denies second Paragraph 18.

24. It denies second Paragraph 19.

25. It denies Paragraph 20.

22. It denies all allegations of the Amended Complaint not specifically admitted.

WHEREFORE, the State prays that:

A. The Complaint be dismissed.

B. It be awarded its costs and all proper relief to which it proves itself entitled.

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
RICHARD F. HATFIELD, P.A.
401 West Capitol, Suite 502
Little Rock, AR 72201
(501) 374-9010

[Filed June 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER AND CROSS-COMPLAINT OF
RAY THORNTON TO AMENDED COMPLAINT**

Congressman Ray Thornton, for his answer to Plaintiffs' Amended Complaint (the "Complaint"), states and alleges that:

1. Defendant lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Complaint.
2. Defendant upon information and belief admits the allegations contained in Paragraph 2 of the Complaint.
3. Defendant admits the allegations contained in Paragraph 3 of the Complaint.
4. Defendant admits the allegations contained in Paragraph 4 of the Complaint.
5. Defendant admits the allegations contained in Paragraph 5 of the Complaint.
6. Defendant admits the allegations contained in Paragraph 6 of the Complaint, except those allegations pertaining to Hoye D. Horn and Water M. Day who are deceased.
7. Defendant admits the allegations contained in Paragraph 7 of the Complaint.

8. Defendant admits the allegations contained in Paragraph 8 of the Complaint.

9. Defendant admits that this Court has jurisdiction and that venue is proper as alleged in Paragraph 9 of the Complaint.

10. Defendant admits the allegations contained in Paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.

12. Defendant admits the allegations contained in Paragraph 12 of the Complaint.

13. Defendant admits the allegations contained in Paragraphs 13 and 14 of the Complaint.

14. Defendant upon information and belief admits the allegations contained in Paragraph 15.

15. Defendant upon information and belief admits that plaintiff Dick Herget as well as other citizens of the Second Congressional District of Arkansas support his reelection to the United States House of Representatives from that District. Defendant admits that on November 6, 1992, he sent for filing a Federal Elections Commission Statement of Candidacy through the Office of the Clerk, U.S. House of Representatives declaring that he was seeking reelection to Congress in the 1994 elections, and that a number of citizens of the Second District have made and are making contributions to the 1994 campaign as reflected by public records on file with the Federal Election Commission and the office of the Secretary of State.

16. Defendant admits that he previously served three terms in the U.S. House of Representatives from 1973 to 1979 representing the Fourth District of Arkansas and one term, in addition to the current term, from 1991 to present representing the Second District of Arkansas. Under the provisions of the challenged Amendment, Defendant and his supporters lack sufficient knowledge and

information regarding their political and constitutional rights and the legality of the Defendant's candidacy for the office of U.S. Representative.

17. Defendant lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraphs 18 and 19 of the Complaint.

COUNT I

(QUALIFICATIONS CLAUSE)

18. Defendant admits the allegations contained in Paragraph 15 (sic) of the Complaint.

COUNT II

(RIGHT OF ASSOCIATION)

19. Upon information and belief Defendant admits the allegations contained in Paragraph 16 (sic) of the Complaint.

COUNT III

(REPUBLICAN FORM OF GOVERNMENT)

20. Upon information and belief Defendant admits the allegations contained in Paragraph 17 (sic) of the Complaint.

COUNT IV

(SUPREMACY CLAUSE)

21. Defendant admits the allegations contained in Paragraph 18 (sic) of the Complaint.

COUNT V

(SEVERABILITY)

22. Defendant admits the allegations contained in Paragraph 19 (sic) of the Complaint.

COUNT VI
(ENACTING CLAUSE)

23. Defendant admits the allegations contained in Paragraph 20 of the Complaint.

WHEREFORE, Defendant Ray Thornton prays that this Court grant to him all just and proper relief to which he may be entitled.

AMENDED CROSS-COMPLAINT FOR
DECLARATORY JUDGMENT

Pursuant to the provisions of A.C.A. § 16-111-101 *et seq.* (1987), Defendant/Cross-claimant Thornton seeks a declaratory judgment with regard to his political and constitutional rights and the legality of his actions as a U.S. Representative under the provisions of the challenged Amendment.

24. Defendant/Cross-claimant Thornton realleges all of his Admissions of the allegations set forth in Paragraphs 2 through 21 of the Complaint.

25. Further, Defendant/Cross-claimant Thornton asserts these claims for a declaratory judgment against the Arkansas "constitutional" Officers named in Paragraph 3 of the Complaint. As members of the Executive Department, these cross-defendants are the state officials upon whom the responsibility falls for execution and enforcement of the provisions of the Amendment.

26. On November 18, 1992, Defendant/Cross-claimant Thornton filed a Statement of Candidacy (the "Statement") through the Office of the Clerk, U.S. House of Representatives. In that Statement, Defendant/Cross-claimant Thornton declared that he was seeking the congressional seat in the Second District of Arkansas in the 1994 election.

27. Defendant/Cross-claimant Thornton has accepted campaign contributions from voters in the Second Congressional District for his 1994 campaign for Congress.

28. Defendant/Cross-claimant Thornton seeks a declaration determining the rights of the parties as they affect the legality of his candidacy for and subsequent service as a member of the U.S. Congress and the legality of any actions by the Cross-Defendants to interpret and enforce the terms and provisions of the Act so as to preclude Defendant/Cross-claimant Thornton from seeking to appear on the ballot for another term beyond the current one which ends in January, 1995. Specifically, Defendant/Cross-claimant Thornton seeks a declaration of rights with regard to the following:

- a. Under the Amendment when does one begin counting terms toward the limit on terms of service?
 - i) Does the Amendment not count any terms served prior to January 1, 1993, toward the maximum allowable Terms?
 - ii) Does the term to which the member was elected in the November 3, 1992, general election (service of which did not begin until on or after January 1, 1993) count toward the maximum?
 - iii) Is non-consecutive service or service from different districts in the U.S. House of Representatives counted toward the maximum allowable terms?
- b. Does Section 3 of the Amendment violate the federal Constitution by imposing an additional qualification on the election of, or the eligibility for a ballot position for, U.S. Representatives or U.S. Senators from Arkansas?

WHEREFORE, Defendant/Cross-claimant Thornton seeks a Declaratory Judgment by this Court declaring the rights of the parties and the public as to the issues raised in Paragraph 28 above; and all other just and proper relief to which he may be entitled.

MITCHELL, WILLIAMS, SELIG,
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320 West Capitol Avenue,
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By /s/ Sherry P. Bartley
SHERRY P. BARTLEY
Bar No. 79009

Attorneys for United States
Congressman Ray Thornton

[Filed June 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**ANSWER OF BLANCHE LAMBERT
TO AMENDED COMPLAINT**

Congresswoman Blanche Lambert, for her answer to Plaintiffs' Amended Complaint (the "Complaint"), states and alleges that:

1. Defendant lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraph 1 of the Complaint.
2. Defendant lacks sufficient knowledge and information to admit or deny the allegations contained in Paragraph 2 of the Complaint.
3. Defendant admits the allegations contained in Paragraph 3 of the Complaint.
4. Defendant admits the allegations contained in Paragraph 4 of the Complaint.
5. Defendant admits the allegations contained in Paragraph 5 of the Complaint.
6. Defendant admits the allegations contained in Paragraph 6 of the Complaint, except those allegations pertaining to Hoye D. Horn and Walter M. Day who are deceased.
7. Defendant admits the allegations contained in Paragraph 7 of the Complaint.

8. Defendant admits the allegations contained in Paragraph 8 of the Complaint.

9. Defendant admits that this Court has jurisdiction and that venue is proper as alleged in Paragraph 9 of the Complaint.

10. Defendant admits the allegations contained in Paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.

12. Defendant admits the allegations contained in Paragraph 12 of the Complaint.

13. Defendant admits the allegations contained in Paragraphs 13 and 14 of the Complaint.

14. Defendant lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraphs 15, 16, 17, 18 and 19.

COUNT I

(QUALIFICATIONS CLAUSE)

15. Defendant admits the allegations contained in Paragraph 15 (sic) of the Complaint.

COUNT II

(RIGHT OF ASSOCIATION)

16. Upon information and belief Defendant admits the allegations contained in Paragraph 16 (sic) of the Complaint.

COUNT III

(REPUBLICAN FORM OF GOVERNMENT)

17. Upon information and belief Defendant admits the allegations contained in Paragraph 17 (sic) of the Complaint.

COUNT IV
(SUPREMACY CLAUSE)

18. Defendant admits the allegations contained in Paragraph 18 (sic) of the Complaint.

COUNT V
(SEVERABILITY)

19. Defendant admits the allegations contained in Paragraph 19 (sic) of the Complaint.

COUNT VI
(ENACTING CLAUSE)

20. Defendant admits the allegations contained in Paragraph 20 of the Complaint.

WHEREFORE, Defendant Blanche Lambert prays that this Court grant to her all just and proper relief to which she may be entitled.

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD
320 West Capitol Avenue, Suite 1000
Little Rock, Arkansas 72201
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By /s/ Sherry P. Bartley
SHERRY P. BARTLEY
Bar No. 79009

Attorneys for United States
Congresswoman Blanche Lambert

[Filed Jun. 18, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER

Come now the Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, by and through their attorney, Doyle L. Webb, II, and for their Answer to the Amended Complaint filed by the Plaintiffs herein, allege and state:

1. Defendants are without sufficient information to admit the allegations contained in Plaintiffs' Amended Complaint paragraph 1 and they therefore deny each and every material allegation contained therein.

2. Defendants are without sufficient information to admit the allegations contained in Plaintiffs' Amended Complaint paragraph 2 and they therefore deny each and every material allegation contained therein.

3. Defendants admit the allegations contained in Plaintiffs' Amended Complaint paragraphs 3, 4, 5, 6, 7 and 8.

4. Defendants deny the allegations contained in Plaintiffs' Amended Complaint paragraph 9.

5. Defendants admit the allegations contained in Plaintiffs' Amended Complaint paragraphs 10, 11 and 12.

6. Defendants deny the allegations contained in Plaintiffs' Amended Complaint paragraphs 13, 14, 15 and 16.

7. Defendants admit that Congressman Thornton previously served three terms in the United States House of

Representatives but deny all other allegations contained in Plaintiffs' Amended Complaint paragraph 17 not specifically admitted herein.

8. Defendants are without sufficient information to admit the allegations contained in Plaintiffs' Amended Complaint paragraph 18 and they therefore deny each and every material allegation contained therein.

9. Defendants admit that John Dawson previously served seven terms in addition to his current term in the State House of Representatives, but deny all other allegations contained in Plaintiffs' Amended Complaint paragraph 19 not specifically admitted herein.

10. Defendants deny the allegations contained in Plaintiffs' Amended Complaint Count I. paragraph 15, Count II. paragraph 16, Count III. paragraph 17, Count IV. paragraph 18, Count V. paragraph 19 and Count VI. paragraph 20.

THEREFORE, the Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, request that the Amended Complaint filed by the Plaintiffs be denied and dismissed; for their attorneys fees and costs; and for all other just and proper relief to which they may be entitled.

WEBB & DOERPINGHAUS
Attorneys at Law
507 Oak Hill Road
Benton, Arkansas 72015
(501) 778-9322

/s/ Doyle L. Webb, II
DOYLE L. WEBB, II
Arkansas Bar No. 82-175

[Filed Jun. 22, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ORDER

On the 7th day of June, 1993, a hearing was held in this matter. Based upon the pleadings, arguments and comments of counsel at that hearing the Court finds as follows:

1. The record reflects that upon the filing of the Amended Complaint on behalf of the Plaintiffs, former Governor Bill Clinton is no longer a party to this action and this Motion to Dismiss is therefore moot.

2. After consideration of the Motion to Intervene filed on behalf of United States Term Limits, Inc., Frank Gilbert, George Rice, Lon Schultz and Spencer Plumley and the Motion to Intervene of Americans for Term Limits and Steve Goss, the Court finds that the Motions to Intervene should be granted pursuant to Arkansas Rule of Civil Procedure 24(b).

3. Pursuant to Rule 16 of the Arkansas Rules of Civil Procedure and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings.

A. All answers to the Amended Complaint and any cross-claims or counterclaims shall be filed on or before June 18, 1993. All answers or replies to any cross-claims or counterclaims shall be filed on or before June 25, 1993.

B. All motions for summary judgment or motions to dismiss based upon matters of law and/or material facts to which there is no genuine dispute shall be filed on or before July 9, 1993 and the hearing of said motions, if any, is hereby scheduled for July 29, 1993, at 1:30 p.m.

C. The period during which the parties may conduct discovery shall terminate on August 25, 1993.

D. That within the foregoing period, but not later than August 10, 1993, the parties shall disclose to opposing counsel a list of exhibits to be presented at trial of this matter and a list of all persons to be called as lay or expert witnesses at trial with a brief statement of the subject matter upon which each expert witness is expected to testify.

E. This matter is hereby set for trial to the Court on September 8, 1993.

Ordered this 18th day of June, 1993.

/s/ Chris Piazza
Circuit Judge

[Filed Jun. 30, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

ANSWER

Come now the Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, by and through their attorney, Doyle L. Webb, II, and for their Answer to the Cross-Complaint filed by George O. Jernigan and the Democratic Party of Arkansas, allege and state:

1. That Defendants admit the allegations contained in paragraph 20 of the Cross-Complaint except that they deny those allegations set forth in paragraphs 9, 13 and second paragraphs 15, 16, 17, 18, 19 and 20.

2. That Defendants deny each and every material allegation contained in the Cross-Complaint paragraphs 21, 22 and 23.

THEREFORE, the Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, request that the Cross-Complaint filed by the George O. Jernigan and the Democratic Party of Arkansas be denied and dismissed; for their attorneys fees and costs; and for all other just and proper relief to which they may be entitled.

WEBB & DOERPINGHAUS
Attorneys at Law
507 Oak Hill Road
Benton, Arkansas 72015
(501) 778-9322

/s/Doyle L. Webb, II
DOYLE L. WEBB, II
Arkansas Bar No. 82-175

[Filed July 9, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**U.S. TERM LIMITS, INC. ET AL.'S MOTION FOR
SUMMARY JUDGMENT UNDER COUNTS ONE
THROUGH FOUR OF THE AMENDED COMPLAINT**

Pursuant to Ark. R. Civ. P. 56(c), defendant-intervenor U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley ("USTL"), through undersigned counsel, hereby respectfully move the Court for an Order granting summary judgment in favor of USTL on Counts One through Four of plaintiffs' Amended Complaint. The grounds for the Motion are set forth in the accompanying Memorandum.

A proposed Order is being filed herewith.

Respectfully submitted,

ALLEN LAW FIRM

By: /s/ H. William Allen
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212 Center Street
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WILLIAMS & CONNOLLY

By: /s/ Terrence O'Donnell
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*Attorneys for U.S. Term
Limits, Inc., et al.*

July 9, 1993

[Filed July 9, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

MOTION FOR SUMMARY JUDGMENT

Come now Plaintiffs, Bobbie Hill, individually, and on behalf of the League of Women Voters and on behalf of all others similarly situated, and Dick Herget individually, and on behalf of all others similarly situated, and for their Motion for Summary Judgment pursuant to Rule 56 of the Arkansas Rules of Civil Procedure, states:

1. The material facts of the case are undisputed, and the Plaintiffs are entitled to judgment as a matter of law.
2. The Arkansas Term Limitation Amendment ("Amendment") is void and unenforceable for lack of an Enacting Clause.
3. The Amendment adds additional qualifications to Article I, Sections 2 and 3 of the United States Constitution.
4. The Amendment unnecessarily burdens First and Fourteenth Amendment freedoms of association and expression and the right to vote.
5. The Amendment is inherently non-severable.
6. A Brief in Support of this Motion for Summary Judgment is filed contemporaneously herewith.
7. Exhibits in Support of this Motion for Summary Judgment are attached hereto and incorporated by reference.

WHEREFORE, Plaintiffs, Bobbie Hill, individually and on behalf of the League of Women Voters of Arkansas and on behalf of all other similarly situated, and Dick Herget, individually and on behalf of all other similarly situated, pray that summary judgment be granted in their favor upon all claims set forth in the Amended Complaint, and for all other proper relief to which they may be entitled.

HERSCHEL H. FRIDAY

ELIZABETH J. ROBBEN

ROBERT S. SHAFER

JEFFREY H. MOORE

FRIDAY, ELDREDGE & CLARK

400 West Capitol, Suite 2000

Little Rock, Arkansas 72201

(501) 376-2011

Attorneys for Plaintiffs

By: /s/ Elizabeth J. Robben
ELIZABETH J. ROBBEN
Bar No. 79244

PLAINTIFF'S EXHIBIT 1

AFFIDAVIT OF BOBBIE E. HILL

STATE OF ARKANSAS)
) ss.
 COUNTY OF OUACHITA)

Before me, the undersigned personally appeared the Affiant being personally well known to me or satisfactorily made known to me and under oath, stated as follows:

1. My name is Bobbie E. Hill. I am over the age of eighteen (18) and competent to testify as to the matters contained herein. This affidavit is given in support of Plaintiffs' Motion for Summary Judgment in the case of *Hill v. Tucker*, in the Circuit Court of Pulaski County, Arkansas, Case No. 92-6171.

2. I am a United States citizen and a citizen resident taxpayer and registered voter of the State of Arkansas.

3. I bring this action individually and on behalf of all other citizens, residents, taxpayers and registered voters similarly situated and also on behalf of the League of Women Voters of Arkansas ("League").

4. The League is an Arkansas non-profit corporation with approximately seven hundred (700) active members throughout the state. I am a member and Director of the United States League. I am a former president of the Arkansas League and currently Co-President of my local League chapter.

5. I reside within the 38th Legislative District for the Arkansas House of Representatives. John Dawson is the representative for my legislative district to the State House of Representatives.

6. John Dawson previously served seven (7) terms in the State House of Representatives. It is my understanding that John Dawson will run for re-election in 1994

by first seeking the Democratic nomination in the Democratic primary.

7. The Arkansas Term Limitation Amendment states that it is applicable to all those seeking office after January 1, 1993. I believe this would include John Dawson. The Amendment prohibits a person having previously served as a member of the State House of Representatives from serving more than three (3) terms. Consequently, the existence of the Amendment threatens my ability as an individual to campaign for, raise money for, contribute to, associate with, support, and otherwise promote John Dawson as the representative to the Arkansas State House of Representatives for the 38th Legislative District. But for the application of the amendment, I plan, desire and hope to re-elect John Dawson, the Democratic Party nominee and, if successful, the representative from my district to the State House of Representatives.

8. The Arkansas Term Limitation Amendment could not have passed without the affirmative vote of persons outside the 38th Legislative District. Because John Dawson previously served seven (7) terms, the people outside my district have wrongly determined that he is not paying attention to his duties and not serving his constituency. On the contrary, John Dawson has served his district well as evidenced in part by his seven (7) successful re-election campaigns.

FURTHER AFFIANT SAYETH NOT.

/s/ Bobbie E. Hill
BOBBIE E. HILL
Affiant

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 7th day of July, 1992.

/s/ Katrin Jones
NOTARY PUBLIC

My Commission Expires: Feb. 21, 2001

PLAINTIFF'S EXHIBIT 2

AFFIDAVIT OF DICK HERGET

Comes Dick Herget and states the following under oath:

1. My name is Dick Herget. I am over the age of 18 and competent to testify as to matters contained herein. My Affidavit is given in support of plaintiff's Motion for Summary Judgment in the case of *Hill v. Tucker, et al.*, in the Circuit Court of Pulaski County, Arkansas, Case No. 92-6171.
2. I am a United States citizen and a citizen resident, tax payer and registered voter in the Second Congressional District of the State of Arkansas.
3. I am a lifelong supporter of the Democratic party in the State of Arkansas. In the past, I have actively supported, contributed, and campaigned for democratic candidates for State and Federal offices in the State of Arkansas. For the 1992 campaign, I was finance chairman for the candidacy of Congressman Ray Thornton. In that capacity and as a supporter of Ray Thornton's, I solicited funds and urged other voters to vote for Ray Thornton both in his bid to become the democratic nominee for U.S. Congressman for the Second Congressional District of Arkansas and in the general election.
4. It is my desire that Ray Thornton be the democratic nominee for the Second Congressional District Election in 1994. It is further my desire and goal that Congressman Thornton be reelected in the general election in November of 1994. To that end, I intend to campaign and seek contributions for Congressman Thornton's reelection as the democratic nominee. I intend to vote for him and urge others to do so. To achieve the goal of his reelection, it is my desire that his name appear on the ballot of both the democratic primary in 1994 and on the general ballot.

FURTHER AFFIANT SAYETH NOT.

/s/ Dick Herget
DICK HERGET

STATE OF ARKANSAS)
) SS
COUNTY OF)

I, Dick Herget, having been duly sworn, state that I have reviewed the contents of the foregoing and find that the statements contained therein are true and correct to the best of my knowledge and belief.

/s/ Dick Herget
DICK HERGET

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 7th day July, 1993.

/s/ Pat A. Glover
Notary Public

My Commission Expires: April 6, 1999

PLAINTIFF'S EXHIBIT 3

STATE OF ARKANSAS

SECRETARY OF STATE

W. J. "Bill" McCuen
Secretary of State

To All to Whom These Presents Shall Come, Greetings:

I, Bill McCuen, Secretary of State of the State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

THE TEXT OF

CONSTITUTIONAL AMENDMENT NUMBER 73
AS ENACTED IN THE 1992 GENERAL ELECTION

In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at office in the City of Little Rock, this 8th day of July 1993.

/s/ Bill McCuen
Secretary of State

STATE OF ARKANSAS
SECRETARY OF STATE
State Capitol
Little Rock, Arkansas 72201-1094

[SEAL]

W. J. "Bill" McCuen
Secretary of State

CONSTITUTIONAL AMENDMENT NUMBER 73

(Proposed by Petition of the People)

(Popular Name)

ARKANSAS TERM LIMITATION AMENDMENT
(Ballot Title)

AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARKANSAS LIMITING THE NUMBER OF TERMS THAT MAY BE SERVED BY THE ELECTED OFFICIALS OF THE EXECUTIVE DEPARTMENT OF THIS STATE TO TWO (2) FOUR YEAR TERMS, THIS DEPARTMENT TO CONSIST OF A GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, TREASURER OF STATE, AUDITOR OF STATE, ATTORNEY GENERAL, COMMISSIONER OF STATE LANDS; LIMITING THE NUMBER OF TERMS THAT MAY BE SERVED BY MEMBERS OF THE ARKANSAS HOUSE OF REPRESENTATIVES TO THREE (3) TWO-YEAR TERMS, THESE MEMBERS TO BE CHOSEN EVERY SECOND YEAR; LIMITING THE NUMBER OF TERMS THAT MAY BE SERVED BY MEMBERS OF THE ARKANSAS SENATE TO TWO (2) FOUR-YEAR TERMS, THESE MEMBERS TO BE CHOSEN EVERY FOUR YEARS; PROVIDING THAT ANY PERSON HAVING BEEN ELECTED TO THREE (3) OR MORE TERMS AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES

FROM ARKANSAS SHALL NOT BE ELIGIBLE TO APPEAR ON THE BALLOT FOR ELECTION TO THE UNITED STATES HOUSE OF REPRESENTATIVES FROM ARKANSAS; PROVIDING THAT ANY PERSON HAVING BEEN ELECTED TO TWO (2) OR MORE TERMS AS A MEMBER OF THE UNITED STATES SENATE FROM ARKANSAS SHALL NOT BE ELIGIBLE TO APPEAR ON THE BALLOT FOR ELECTION TO THE UNITED STATES SENATE FROM ARKANSAS; PROVIDING FOR AN EFFECTIVE DATE OF JANUARY 1, 1993; AND MAKING THE PROVISIONS APPLICABLE TO ALL PERSONS THEREAFTER SEEKING ELECTION TO THE SPECIFIED OFFICES.

(Text)

SUMMARY:

This amendment provides a limit of two (2) terms for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands. It provides a limit of three (3) terms for State Representatives, and a limit of two (2) terms for State Senators. It also provides that persons having been elected three (3) or more terms as a member of the United States House of Representatives from Arkansas shall not be eligible to appear on the ballot for election to the United States House of Representatives from Arkansas. Lastly, it provides that any person having been elected to two (2) or more terms as a member of the United States Senate from Arkansas shall not be eligible to appear on the ballot for election to the United States Senate from Arkansas.

PREAMBLE:

The people of Arkansas find and declare that elected officials who remain in office too long become preoccupied with reelection and ignore their duties as representatives

of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, less competitive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of elected officials.

SECTION 1—Executive Branch

(a) The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four years, and until their successors are elected and qualified.

(b) No elected officials of the Executive Department of this State may serve in the same office more than two such four year terms.

SECTION 2—Legislative Branch

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. No member of the Arkansas House of Representatives may serve more than three such two year terms.

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. No member of the Arkansas Senate may serve more than two such four year terms.

SECTION 3—Congressional Delegation

(a) Any person having been elected to three or more terms as a member of the United States House of Representatives from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States House of Representatives from Arkansas.

(b) Any person having been elected to two or more terms as a member of the United States Senate from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States Senate from Arkansas.

SECTION 4—Severability.

The provisions of this Amendment are severable, and if any should be held invalid, the remainder shall stand.

SECTION 5—Provisions Self-Executing

Provisions of this Amendment shall be self-executing.

SECTION 6—Application

(a) This Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all persons thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this amendment.

PLAINTIFF'S EXHIBIT 6**AFFIDAVIT OF CONGRESSMAN RAY THORNTON**

Ray Thornton, being first duly sworn, deposes and says:

1. I am a citizen of the State of Arkansas and a resident of The Second Congressional District of Arkansas. I am presently the Congressman for the Second District of Arkansas. In addition to my present term which began in January, 1993, I represented the Second District in the U.S. House of Representatives from January, 1991 to the beginning of my present term.

2. Prior to my representation of the Second District, I previously served three (3) terms in the U.S. House of Representatives from 1973 to 1979 representing the Fourth District of Arkansas.

3. On November 6, 1992, I sent for filing a Federal Elections Commission Statement of Candidacy through the Office of the Clerk, U.S. House of Representatives declaring my candidacy for the congressional seat in the Second District of Arkansas in the 1994 election thereby expressing my intent and desire to seek reelection to Congress in 1994 as the representative for the Second District and to seek the Democratic nomination for this office in the 1994 Democratic Primary.

4. I have sought election as a Democratic candidate for public office for twenty-three (23) years. It is my belief based upon my experience that my ability to be re-elected as Congressman depends on my ability to have my name on the Democratic primary ballot and, if successful in the primary, on the general election ballot.

/s/ Ray Thornton
RAY THORNTON

Subscribed and sworn to before me this 9th day of July, 1993.

/s/ Barbara J. McBryde

My Commission Expires: Jan. 4, 2000

AMENDMENT NUMBER 4

ARKANSAS 1992 GENERAL ELECTION
ARKANSAS TERM LIMITATION AMENDMENT

County	For		Against		Total
	Votes	%	Votes	%	
ARKANSAS	3,921	51.35	3,715	48.65	7,636
ASHLEY	4,143	60.03	2,758	39.97	6,901
BAXTER	9,618	72.17	3,708	27.83	13,326
BENTON	32,379	76.59	9,894	23.41	42,273
BOONE	8,395	65.69	4,385	34.31	12,780
BRADLEY	2,205	51.78	2,053	48.22	4,258
CALHOUN	1,406	59.32	964	40.68	2,370
CARROLL	6,185	74.77	2,087	25.23	8,272
CHICOT	2,362	52.35	2,150	47.65	4,512
CLARK	4,463	52.33	4,066	47.67	8,529
CLAY	2,974	53.00	2,637	47.00	5,611
CLEBURNE	5,666	60.64	3,677	39.36	9,343
CLEVELAND	1,610	51.82	1,497	48.18	3,107
COLUMBIA	4,608	64.19	2,571	35.81	7,179
CONWAY	4,362	56.75	3,325	43.25	7,687
CRAIGHEAD	11,304	55.83	8,942	44.17	20,246
CRAWFORD	10,242	64.13	5,728	35.87	15,970
CRITTENDEN	7,027	67.45	3,391	32.55	10,418
CROSS	3,652	56.74	2,784	43.26	6,436
DALLAS	2,120	55.77	1,681	44.23	3,801
DESHA	1,897	46.85	2,152	53.15	4,049
DREW	3,206	57.81	2,340	42.19	5,546
FAULKNER	10,195	56.76	7,768	43.24	17,963
FRANKLIN	3,735	56.91	2,828	43.09	6,563
FULTON	2,555	60.29	1,683	39.71	4,238
GARLAND	19,036	62.15	11,591	37.85	30,627
GRANT	3,386	55.32	2,735	44.68	6,121
GREENE	6,650	55.56	5,320	44.44	11,970
HEMPSTEAD	5,141	66.05	2,643	33.95	7,784
HOT SPRING	5,589	51.53	5,258	48.47	10,847
HOWARD	2,724	59.08	1,887	40.92	4,611
INDEPENDENCE	6,293	54.01	5,359	45.99	11,652
IZARD	2,913	55.90	2,298	44.10	5,211

County	For Votes	%	Against Votes	%	Total Votes
JACKSON	3,615	53.68	3,119	46.32	6,734
JEFFERSON	11,029	53.37	9,637	46.63	20,666
JOHNSON	3,970	54.62	3,299	45.38	7,269
LAFAYETTE	2,336	66.23	1,191	33.77	3,527
LAWRENCE	3,652	54.47	3,053	45.53	6,705
LEE	2,072	49.44	2,119	50.56	4,191
LINCOLN	2,115	53.33	1,851	46.67	3,966
LITTLE RIVER	3,291	62.09	2,009	37.91	5,300
LOGAN	4,720	57.07	3,550	42.93	8,270
LONOKE	8,361	59.86	5,607	40.14	13,968
MADISON	2,979	61.33	1,878	38.67	4,857
MARION	3,540	71.54	1,408	28.46	4,948
MILLER	10,249	74.02	3,598	25.98	13,847
MISSISSIPPI	9,038	62.41	5,443	37.59	14,481
MONROE	1,886	48.76	1,982	51.24	3,868
MONTGOMERY	2,233	62.44	1,343	37.56	3,576
NEVADA	1,976	55.33	1,595	44.67	3,571
NEWTON	2,360	64.64	1,291	35.36	3,651
OUACHITA	6,478	53.97	5,526	46.03	12,004
PERRY	1,761	52.84	1,572	47.16	3,333
PHILLIPS	3,877	49.37	3,976	50.63	7,853
PIKE	2,197	58.76	1,542	41.24	3,739
POINSETT	4,425	53.83	3,795	46.17	8,220
POLK	4,041	61.03	2,575	38.92	6,616
POPE	10,792	61.72	6,694	38.28	17,486
PRAIRIE	1,803	47.15	2,021	52.85	3,824
PULASKI	57,750	56.95	43,661	43.05	101,411
RANDOLPH	2,889	53.52	2,509	46.48	5,398
SALINE	16,491	61.32	10,403	38.68	26,894
SCOTT	2,538	59.76	1,709	40.24	4,247
SEARCY	2,000	61.50	1,252	38.50	3,252
SEBASTIAN	24,255	63.33	14,043	36.67	38,298
SEVIER	2,746	56.76	2,092	43.24	4,838
SHARP	4,383	63.59	2,510	36.41	6,893
ST. FRANCIS	5,445	59.18	3,755	40.82	9,200
STONE	2,399	57.38	1,782	42.62	4,181
UNION	7,893	57.75	5,775	42.25	13,668
VAN BUREN	4,023	58.04	2,908	41.96	6,931
WASHINGTON	27,529	62.43	16,569	37.57	44,098

County	For Votes	%	Against Votes	%	Total Votes
WHITE	11,883	55.89	9,380	44.11	21,263
WOODRUFF	1,450	47.42	1,608	52.58	3,058
YELL	3,894	53.90	3,331	46.10	7,225
COUNT: 75					
TOTAL:	494,326		330,836		825,162
AVERAGE:		59.91		40.09	

[Filed July 9, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**DEFENDANT/CROSS-CLAIMANT RAY THORNTON'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant/Cross-claimant Ray Thornton, pursuant to Ark. R. Civ. P. 56, for his motion for partial summary judgment states:

1. Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Ark. R. Civ. P. 56(c).

2. Section 3 of the Arkansas Term Limits Amendment is invalid because it places additional qualifications for United States Senators and Representatives not found in Article I, Sections 2 and 3 of the United States Constitution.

3. In support of this motion, defendant/cross-claimant Ray Thornton adopts and herein incorporates by reference the arguments and case law contained in Section II of Plaintiffs' Brief in Support of Motion for Summary Judgment filed July 9, 1993.

WHEREFORE, defendant/cross-claimant prays that this Court declare that Section 3 of the Arkansas Term Limitation Amendment is invalid for adding additional qualifications to the United States Constitution.

Respectfully submitted,

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, A PROFESSIONAL
LIMITED COMPANY
320 West Capitol Avenue, Suite 1000
Little Rock, Arkansas 72201
(501) 688-8800

By /s/ Sherry P. Bartley
SHERRY P. BARTLEY
Bar No. 79009

Attorneys for Ray Thornton

One Hundredth Congress, Senate Document No. 100-34
Second Session

BIOGRAPHICAL DIRECTORY
OF THE
UNITED STATES CONGRESS
1774-1989

BICENTENNIAL EDITION

* * * *

United States
Government Printing Office
1989

* * * *

[522] ALFORD, Thomas Dale, a Representative from Arkansas: born in New Hope, Pike County, near Murfreesboro, Ark., January 23, 1916; attended the public schools of Rector, Ark., Arkansas State College at Jonesboro, State Teachers College at Conway, and graduated from the University of Arkansas School of Medicine at Little Rock; postgraduate training at the University of Illinois in Chicago; during the Second World War served in the United States Army Medical Corps with service at the Army and Navy Hospital, Hot Springs, Ark., 1941-1943, and in the European Theater 1943-45; private practice of medicine at Atlanta, Ga., 1946-1948, and taught at Emory University College of Medicine, 1947-1948; in 1948 returned to Little Rock, Ark., and continued the practice of medicine; member of active teaching faculty, University of Arkansas School of Medicine, 1948-1958; member of Little Rock Board of Education, 1955-1958; delegate, Democratic National Convention, 1960; elected as an Independent Democrat, a write-in

candidate in the Eighty-sixth and Eighty-seventh Congresses January 1, 1959-January 1, 1963); was not a candidate for reelection in 1962 to the Eighty-eighth Congress but was unsuccessful for the Democratic gubernatorial nomination; resumed practice of ophthalmic surgery; member of faculty, University of Arkansas School of Medicine; is a resident of Little Rock, Ark.

* * * *

Congressional Quarterly's

GUIDE TO U.S. ELECTIONS

Second Edition

* * * *

1958 House Elections

Candidates	Votes	%
[992] ARKANSAS		
1 Ezekiel C. Gathings (D)		100.0
2 Wilbur D. Mills (D)		100.0
3 James W. Trimble (D)		100.0
4 Oren Harris (D)		100.0
5 Dale Alford (Write In)	30,739	51.0
Brooks Hays (D)	29,483	49.0
6 William F. Norrell (D)		100.0

* * * *

One Hundredth Congress, Senate Document No. 100-34
Second Session

BIOGRAPHICAL DIRECTORY

OF THE

UNITED STATES CONGRESS

1774-1989

BICENTENNIAL EDITION

* * * *

United States
Government Printing Office
1989

* * * *

[1939] THURMOND, James Strom, a Senator from South Carolina born in Edgefield, S.C. December 5, 1902; attended the public schools; graduated, Clemson College, 1923; taught in South Carolina high schools 1923-1929; Edgefield County superintendent of education 1929-1933; studied law and was admitted to the South Carolina bar in 1930; city and county attorney 1930-1938; member, State senate 1933-1938; circuit judge 1938-1942; served in the United States Army 1942-1946, in Europe and in the Pacific; major general, United States Army Reserve; again circuit judge, but resigned in May 1946; Governor of South Carolina 1947-1951; unsuccessful States Rights candidate for President of the United States in 1948; unsuccessful candidate for the Democratic nomination for United States Senator in 1950; practiced law in Aiken, S.C., 1951-1955; appointed as a Democrat to the United States Senate to complete the term of Charles E. Daniel, who resigned, and served from December 24, 1954, to January 3, 1955; had been previously elected as a write-in candidate in November 1954 for the

term commencing January 3, 1955, and ending January 3, 1961, but due to a promise made to the voters in the 1954 election, he resigned as of April 4, 1956; again elected as a Democrat in November 1956 to fill the vacancy caused by his own resignation and served from November 7, 1956, to January 1, 1961; reelected in 1960, 1966, 1972, 1978, and again in 1984, for the term ending January 3, 1991; changed from the Democratic to the Republican Party in 1964; President pro tempore of the Senate during the Ninety-seventh through the Ninety-ninth Congresses; chairman, Committee on the Judiciary Ninety-seventh through Ninety-ninth Congress.

* * * *

Congressional Quarterly's
GUIDE TO U.S. ELECTIONS

Second Edition

* * * *

	Candidates	Votes	%
[630]	SOUTH CAROLINA		
	* * * *		
1942	Burnet R. Maybank (D)	23,356	100.0
1948	Burnet R. Maybank (D)	135,998	96.5
1954	Strom Thurmond (Write In)	143,442	63.1
	Edgar A. Brown (D)	83,525	36.8

Special Election

1956	Strom Thurmond (D)	245,371	100.0
1960	Strom Thurmond (D)	330,164	100.0
1966	Strom Thurmond (R)	271,297	62.2
	Bradley Morrah (D)	164,955	37.8
1972	Strom Thurmond (R)	415,806	63.3
	Eugene N. Zeigler (D)	241,056	36.7
1978	Strom Thurmond (R)	351,733	55.6
	Charles D. Ravenel (D)	281,119	44.4
1984	Strom Thurmond (R)	644,815	66.8
	Melvin Purvis Jr. (R)	306,982	31.8

* * * *

One Hundredth Congress, Senate Document No. 100-34
Second Session

BIOGRAPHICAL DIRECTORY
OF THE
UNITED STATES CONGRESS
1774-1989

BICENTENNIAL EDITION

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United States
Government Printing Office
1989

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[1819] SKEEN, Joseph Richard, a Representative from New Mexico; born in Roswell, Chaves County, N.Mex., June 30, 1927; attended public and parochial schools; graduated from O'Dea High School, Seattle, Wash., 1944; B.S., Texas A&M University, College Station, 1950; served in the United States Navy, 1945-1946, and United States Air Force Reserve, 1949-1952; engineer, 1951; businessman, 1952-1960; served in the New Mexico senate, 1960-1970; chairman, New Mexico Republican Party, 1962-1965; delegate, New Mexico State Republican conventions, 1960-1970; delegate, Republican National Convention, 1964; won as a write-in candidate in 1980 election to the United States House of Representatives after the courts denied him a position on the ballot; elected as a Republican to the Ninety-seventh and to the three succeeding Congresses (January 3, 1981-January 3, 1989); is a resident of Picacno, N.Mex.

* * * *

Congressional Quarterly's
GUIDE TO U.S. ELECTIONS

Second Edition

* * * *

Popular Returns 1980

* * * *

[1049]

NEW MEXICO

	Candidates	Votes	%
1	Manuel Lujan Jr. (R)	125,910	51.0
	Bill Richardson (D)	120,903	49.0
2	Joe Skeen (WRITE IN)	61,564	38.0
	David King (D)	55,085	34.0
	Dorothy Runnels (WRITE IN)	45,343	28.0

* * * *

Congressional Quarterly's
GUIDE TO U.S. ELECTIONS

Second Edition

* * * *

1982 House Elections

* * * *

Candidates	Votes	%
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[1052] CALIFORNIA

* * * *

43 Ron Packard (R WRITE-IN)	66,444	36.8
Roy (Pat) Archer (D)	57,995	32.1
Jonnie R. Crean (R)	56,297	31.1

* * * *

Michael Davidson
Counsel

Phone: (202) 224-4435
Telecopier: (202) 224-8391

Ken U. Benjamin, Jr.
Deputy Counsel

Morgan J. Frankel
Claire M. Sylvia
Assistant Counsel

UNITED STATES SENATE

OFFICE OF SENATE LEGAL COUNSEL
Washington, DC 20510-7250

July 27, 1993

Ms. Jacquetta Alexander
Circuit Clerk
Pulaski County Courthouse, Room 200
Markham and Spring Streets
Little Rock, AR 72201

Re: *Bobbie E. Hill v. Jim Guy Tucker*, Pulaski
County Circuit No. 92-6171

Dear Ms. Alexander:

As we have communicated previously, we are representing Senator Dale Bumpers, who was named as a defendant in this case because of his office as a United States Senator. We filed an answer to the complaint on Senator Bumpers' behalf on February 23, 1993. Subsequently, we filed a memorandum styled Memorandum of Defendant Senator Dale Bumpers on Limited Status in Case, seeking to be excused from participating, through briefing and counsel's attendance at hearings, in proceedings in this case. The memorandum noted that Senator Bumpers had not filed any motions nor requested any affirmative relief in this matter.

Since the filing of our answer on behalf of Senator Bumpers, the plaintiffs, on June 2, 1993, amended their complaint. The purpose of this letter is to explain to the

Court and to the parties why, consistent with Senator Bumpers' intention to leave the filing of pleadings and motions to the other parties in this action, we have not filed an answer to the amended complaint.

As it touches upon Senator Bumpers, the amended complaint restates the assertions and claim of the initial complaint. The amended complaint added one plaintiff and dropped a number of defendants. The factual assertions in the amended complaint are similar to those contained in the original complaint, except the amended complaint includes five paragraphs (§§ 15-19) describing the plaintiffs' plans to work to reelect a Member of the U.S. House of Representatives and a Member of the Arkansas House of Representatives, and those Representatives' intention to seek reelection in 1994, but for the Term Limitation Amendment. These paragraphs do not relate to Senator Bumpers, whose present term as a Member of the United States Senate runs until January 3, 1999.

The amended complaint also adds three new claims (Counts II-IV, at §§ 16-18), which do not relate with any particularity to Senator Bumpers. The only claim relating directly to Senator Bumpers is Count I, at § 15, which states the qualifications for election as a United States Senator or Representative and alleges that the Term Limitation Amendment unconstitutionally seeks to impose an additional qualification for those offices, which is beyond the power of the State of Arkansas to do. This claim is identical to § 14 of the original complaint. In his answer to the original complaint, Senator Bumpers stated that he "Admits the allegations contained in Paragraph 14 of the Complaint, except that the people of Arkansas, in common with the people of the other several states, may seek to alter the qualifications to be a United States Representative or United States Senator enumerated in the United States Constitution through the exclusive amendatory procedures prescribed in Article V of

the United States Constitution." Answer at ¶ 14. Senator Bumpers took no position with regard to other issues presented in the complaint. *Id.* at ¶¶ 12, 15, 16.

In line with the intention expressed in his memorandum on his limited status, Senator Bumpers respectfully wishes to stand upon his answer and not file a formal answer to the amended complaint or to any of the various cross-pleadings filed by other parties, which also do not relate directly to Senator Bumpers. Of course, if the Court is of the view that a formal answer to the amended complaint or to any cross-pleadings is necessary for the completion of the record in this case, we will proceed to file them.

Thank you for your assistance in communicating Senator Bumpers' intention to Judge Piazza.

Sincerely,

/s/ Michael Davidson
MICHAEL DAVIDSON

cc: all counsel

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

HEARING

BE IT REMEMBERED, that on the 7th day of September 1993 before the HONORABLE CHRIS PIAZZA, the above-styled matter came on for hearing, with counsel appearing as follows:

APPEARANCES:

MS. ELIZABETH J. ROBBEN, Esq., and MR. JEFFREY H. MOORE, Esq., Friday, Eldredge & Clark, 2000 First Commercial Bank Building, Little Rock, Arkansas 72201

* * * On Behalf of the Plaintiffs * * *

* * * *

[17] THE COURT: Ms. Robben.

MS. ROBBEN: Thank you, Your Honor. . . .

[20] I would like to go onto something I thought we had also wound up at the last hearing, whether it was in your Conclusions of Law or your rulings from the bench, which I think most of the people here were present for, that you declined to realign the parties or dismiss defendants who are not asking to be dismissed. As we stated then and as the pleadings are clear, Bobbie Hill brings this on her behalf individually and on behalf of the League of Women Voters who are interested in challenging term limits. They are not a party, but they are supporting her in these efforts. They have never been officially a party to these actions. . . .

* * * *

[Filed Sept. 14, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL

U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley, intervenor-defendants herein, hereby appeal, pursuant to Ark. Sup. Ct. R. 1-2 (a)(1), to the Supreme Court of Arkansas from the Findings of Fact, Conclusions of Law and Final Order of this Court dated September 8, 1993 and all rulings incorporated therein by reference. The record on appeal consists of all transcripts and all pleadings and other documents filed in this Court and also those filed in this matter during the time it was removed to the United States District Court for the Eastern District of Arkansas No. LR-C-93-157 on that Court's docket). All transcripts of all proceedings have been ordered.

WILLIAMS & CONNOLLY

By: /s/ John G. Kester
JOHN G. KESTER
TERRENCE O'DONNELL
DENNIS M. BLACK
TIMOTHY D. ZICK

725 12th Street, N.W.
Washington, D.C. 20005
(202) 434-5000

ALLEN LAW FIRM

By: /s/ H. William Allen
H. WILLIAM ALLEN
950 Centre Place
212 Center Street
Little Rock, Arkansas 72201
(501) 374-7100

*Attorneys for U.S. Term
Limits, Inc., Frank Gilbert,
Greg Rice, Lon Schulz, and
Spencer Plumley*

September 14, 1993

[Filed Sept. 30, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL AND DESIGNATION OF RECORD

Comes now the Intervenor/Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, by and through their attorneys, WEBB DOERPINGHAUS BROWN, and hereby give notice that they appeal to the Supreme Court of Arkansas from the final order, styled "Findings of Fact, Conclusions of Law and Final Order" in favor of the Plaintiffs against the Intervenor/Defendants, which was entered on September 8, 1993.

This appeal is taken to the Supreme Court pursuant to Supreme Court Rule 1-2(a)(1), in that it involves the interpretation of the Arkansas Constitution.

The Intervenor/Defendants hereby designate the entire record and all proceedings, exhibits, evidence and testimony.

The transcript designated above has been ordered from Lane Hinson, whose address is Suite 371, 201 West Third Street, Little Rock, Arkansas, 72201, and who was the reporter of the proceedings in this case.

DATED this 29th day of September, 1993.

WEBB DOERPINGHAUS BROWN
Attorneys for Appellants
507 Oak Hill Road
Benton, Arkansas 72015
(501) 778-9322

By: /s/ Doyle L. Webb, II
DOYLE L. WEBB, II

[Filed Oct. 7, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

**NOTICE OF APPEAL, DESIGNATION OF RECORD
AND
STATEMENT OF POINTS TO BE RELIED UPON**

Come now Intervenor/Defendants/Appellants, Americans for Term Limits and Steve Goss, by their attorneys, John T. Harmon & Associates, P.A., and hereby gives Notice of Appeal to the Arkansas Supreme Court from the Findings of Fact, Conclusions of Law and Final Order of this Court dated September 8, 1993, and all rulings incorporated therein by reference. The record on appeal consists of all transcripts and all pleadings and other documents filed in this Court and also those filed in this matter during the time it was removed to the United States District Court for the Eastern District of Arkansas (No. LR-C-93-157 on that Court's docket). All transcripts of all proceedings have been ordered by other appellants.

Intervenor/Defendants/Appellants certify that the within Notice of Appeal is meritorious and is not given for purposes of delay, but solely in the interests of justice.

**AMERICANS FOR TERM LIMITS
and STEVE GOSS**

By: /s/ William L. Wharton
WILLIAM L. WHARTON—
#79137
JOHN T. HARMON & ASSOC.,
P.A.
Attorneys for Americans for
Term Limits and Steve Goss
600 Edgewood Drive
Maumelle, AR 72113
(501 851-1258

[Filed Oct. 7, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF CROSS-APPEAL

COME NOW Plaintiffs Bobbie Hill, Individually and on behalf of The League of Women Voters and All Others Similarly Situated and Dick Herget, Individually and on behalf of all others Similarly Situated, by and through their attorneys of record and for their Notice of Cross-Appeal state as follows:

1. Plaintiffs hereby cross-appeal from the Final Order entered of record on September 8, 1993 including the Conclusions of Law filed by the Court on July 29, 1993, incorporated word for word into the Final Order;

2. Plaintiffs note and rely upon the filing of a notice of appeal by Intervenor/Defendants, The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, filed on September 30, 1993, designating the entire record;

Respectfully submitted,

HERSCHEL H. FRIDAY
ELIZABETH J. ROBBEN
ROBERT S. SHAFER
JEFFREY H. MOORE
FRIDAY, ELDRIDGE & CLARK
400 West Capitol Ave., Suite 2000
Little Rock, Arkansas 72201
(501) 376-2011

Attorneys for Plaintiffs

By: /s/ Jeffrey H. Moore
JEFFREY H. MOORE

[Filed Oct. 8, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL AND DESIGNATION OF RECORD

Defendants George O. Jernigan, Jr. ("Jernigan") and the Democratic Party of Arkansas ("Party") hereby give notice that they appeal to the Supreme Court of Arkansas from that portion of the judgment entered September 8, 1993 in the captioned case dismissing their cross-complaint.

Jurisdiction over the appeal is in the Supreme Court pursuant to Rule 1-2(a)(1) of the Rules of the Supreme Court of Arkansas, in that the appeal presents questions of interpretation of the Constitution of Arkansas.

Defendants Jernigan and the Party designate the entire record and all proceedings, exhibits, evidence and testimony. The designated transcript has been ordered by The Republican Party of Arkansas, Asa Hutchinson and Tim Hutchinson, according to their Notice of Appeal filed on September 30, 1993.

Jernigan and the Party file this appeal solely for the purpose of preserving the issues presented in their cross-complaint. In the event the Supreme Court finds that any portion of Amendment 73 is valid, the cross-complaint of Jernigan and the Party will no longer be moot, and the issues presented in the cross-complaint should be decided so that Jernigan and the Party might discharge

their legal duty to conduct primary elections and certify nominees for general elections.

WRIGHT, LINDSEY & JENNINGS
2200 Worthen Bank Building
200 West Capitol Avenue
Little Rock, Arkansas 72201-3699
(501) 371-0808

By /s/ Karen J. Garnett
NANCY BELLHOUSE MAY
KAREN J. GARNETT

Attorneys for
George O. Jernigan, Jr. and
the Democratic Party of Arkansas

[Filed Oct. 8, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL AND DESIGNATION OF RECORD

Comes Arkansans for Governmental Reform, Inc., an Intervenor, and hereby gives notice that it appeals to the Supreme Court of Arkansas pursuant to Arkansas Supreme Court Rule 1-2(a)(1) from the Findings of Fact, Conclusions of Law and Final Order of this Court dated September, 8, 1993 and all rulings incorporated therein by reference.

Intervenor hereby designates the entire record as the record on appeal. All transcripts of all proceedings have been ordered.

Respectfully submitted,

MACKEY & WILLS, P.A.
401 W. Capitol, Suite 555
Little Rock, AR 72201

By: /s/ Frank J. Wills, III
FRANK J. WILLS, III

[Filed Oct. 25, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL AND DESIGNATION OF RECORD

U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley, intervenor-defendants herein, file this Notice of Appeal and Designation of Record, pursuant to Ark. R. App. P. 4(c). U.S. Term Limits, Inc., *et al.* hereby appeal, pursuant to Ark. Sup. Ct. R. 1-2(a)(1), to the Supreme Court of Arkansas from the Findings of Fact, Conclusions of Law and Final Order of this Court dated September 8, 1993 and all rulings incorporated therein by reference.

* * * *

Pursuant to Arkansas Rule of Appellate Procedure 3(g), U.S. Term Limits, Inc., *et al.* hereby state the following points upon which they intend to rely in this appeal:

1. The Circuit Court of Pulaski County lacked jurisdiction to decide the sufficiency of the initiative petition for Amendment 73;
 2. The sufficiency of an initiative petition cannot be challenged after the question has been submitted to and voted upon by the people;
 3. An initiative petition for a constitutional amendment need not comply with the enacting clause requirement of Amendment 7 to the Arkansas constitution;
- 1

4. Ballot-access restrictions do not create new qualifications for federal offices, but rather are "time, place and manner" regulations specifically authorized by Article I, § 4, of the Constitution of the United States; and

5. Nothing in the Constitution of the United States precludes the states or their people from establishing qualifications for the offices of United States Representative or United States Senator that are not unreasonable and not inconsistent with the qualifications already prescribed in the Constitution.

WILLIAMS & CONNOLLY

By: /s/ John G. Kester
 JOHN G. KESTER
 TERRENCE O'DONNELL
 DENNIS M. BLACK
 TIMOTHY D. ZICK
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ALLEN LAW FIRM

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 by Sandra Jackson, Esq.
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 (501) 374-7100

*Attorneys for U.S. Term
 Limits, Inc., Frank Gilbert,
 Greg Rice, Lon Schultz,
 and Spencer Plumley*

October 25, 1993

[Filed Oct. 26, 1993]

IN THE CIRCUIT COURT
OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

(Title Omitted in Printing)

NOTICE OF APPEAL AND DESIGNATION OF RECORD

Comes the State of Arkansas Ex Rel. Attorney General Winston Bryant, Intervenor/Defendant, and hereby gives notice that it appeals to the Supreme Court of Arkansas pursuant to Arkansas Supreme Court Rule 1-2 (a)(1) from the Findings of Fact, Conclusions of Law and Final Order of this Court dated September 8, 1993, and all rulings incorporated therein by reference. This appeal presents questions of interpretation of the Constitution of Arkansas.

The State designates the entire record, including pleadings and transcripts of all hearings, as the record on appeal. The State relies on the fact that transcripts of all proceedings and all pleadings have been ordered by the Republican Party, Asa Hutchinson and Tim Hutchinson and "Unified Defendants", Bearden, et al. appealing this Court's order.

Respectfully submitted,

STATE OF ARKANSAS
Ex Rel. Winston Bryant
Attorney General

By: /s/ Richard F. Hatfield
RICHARD F. HATFIELD
RICHARD F. HATFIELD, P.A.
401 West Capitol, Suite 502
Little Rock, AR 72201
(501) 374-9010

[EXHIBITS]

1. Massachusetts Resolve of Nov. 19, 1788, ch. 49:

Resolve for organizing the Federal Government.
November 19, 1788.

Resolved, That the Commonwealth be divided into eight districts, for the purpose of choosing eight persons to represent the people thereof, in the Congress of the United States, each district to choose one Representative, who shall be an inhabitant of such district, and that the districts be as follows, viz. . . .

Virginia Act of Nov. 20, 1788, ch. II:

*An ACT for the Election of REPRESENTATIVES
 pursuant to the Constitution of Government
 of the United States.*

[Passed the 20th of NOVEMBER, 1788.]

SECTION I. . . . WHEREAS, it is provided by the said Constitution, that until the enumeration therein directed shall be taken, *Virginia* shall be entitled to ten Members in the House of Representatives, and that the times, places, and manner of holding elections for the same, shall be prescribed by the Legislature: *BE it therefore enacted by the General Assembly, . . .*

SECT II. THAT the persons qualified by law to vote for members to the House of Delegates, in each county composing a district, shall assemble at their respective county court-houses on the second day in *February* next, and then and there vote for some discreet and proper person, being a freeholder, and who shall have been a *bona fide* resident for twelve months within such district, as a member to the House of Representatives for the United States. . . .

New Jersey Act of November 21, 1788, ch. 241:

An ACT for carrying into Effect, on the Part of the State of New Jersey, the Constitution of the United States,

assented to, ratified and confirmed by this State, on the eighteenth Day of December, in the Year of our LORD One Thousand Seven Hundred and Eighty-seven.

WHEREAS, the good People of this State, on the said eighteenth Day of December, in and by a Convention of Delegates chosen by the Citizens thereof, agreeably to an Act of the Legislature for that Purpose made and provided, did, on the Part of this State assent to, ratify and confirm, a Constitution for the United States, agreed to and recommended, in the Name of the People of the United States, by the unanimous Consent of the said United States in Convention assembled at Philadelphia on the seventeenth Day of September, in the said Year of our LORD One Thousand Seven Hundred and Eighty-seven: AND WHEREAS, in and by the said Constitution, it is, among other Things, provided and directed, . . .

That the Times, Places and Manner, of holding Elections for Senator, and Representatives shall be prescribed in each State by the Legislature thereof . . .

Sect. I. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for every Inhabitant of this State, who is or shall be qualified to vote for Members of the State Legislature, to nominate four Candidates to the Choice of the People, as Representatives in the said Congress of the United States, by writing on one Ticket or Piece of Paper the Names of four Persons to be voted for as Representatives, which said Ticket or Piece of Paper shall be subscribed by the Person nominating with the Date of doing the same, and that at any Time at least thirty Days previous to the Day of Election of said Representatives, delivering the said Ticket or Piece of Paper so subscribed and dated to the Clerk of the Court of Common Pleas of the County in which such Inhabitant may reside, which Clerk is hereby directed and required to receive and carefully to file the same, provided it be delivered within the Time aforesaid.

2. *And be it Enacted by the Authority aforesaid, That each and every Clerk of the Court of Common Pleas in the respective Counties of this State is, and hereby are directed and required, at the Expence of the State, twenty-four Days previous to the Day of Election of the said Representatives, to transmit, by a careful and trusty Person, a true Copy of all and every such Nomination as shall be delivered to him as aforesaid to the Governor of this State for the Time being, who is hereby directed and required, at least eighteen Days previous to the said Day of Election for Representatives, to cause the same to be published in the News-Papers printed in this State, and in two or more printed in the cities of New-York and Philadelphia; and also to transmit a true List of the Names of every Candidate so returned to him as aforesaid to each and every Sheriff of the respective Counties in this State, who is hereby required immediately to put up, in at least five of the most publick Places in his County, a true List of the Names of the said Candidates.*

3. *And be it further Enacted by the Authority aforesaid, That the Persons so nominated, and whose Names shall be transmitted to the several Sheriffs as aforesaid, shall exclusively be the Candidates from whom four Representatives shall be voted for in each of the Counties of this State; and that no Person whatever shall be set up as a Candidate on the said Day of Election, but the Persons so nominated and returned as aforesaid. . . .*

Maryland Act of Dec. 22, 1788, ch. 10:

An ACT directing the time, places and manner, of holding elections for representatives of this state in the congress of the United States, and for appointing electors on the part of this state for choosing a president and vice-president of the United States, and for the regulation of the said elections. . . .

II. BE IT ENACTED, *by the General Assembly of Maryland, That for the purpose of choosing representatives in*

the congress of the United States, this state be divided into six districts, which shall be numbered from one to six; that Saint-Mary's, Charles, and Calvert counties, compose the first district; Kent, Talbot, Cecil and Queen-Anne's, the second; Anne-Arundel, including the city of Annapolis, and Prince-George's, the third; Baltimore, including the town of Baltimore, and Harford, the fourth; Somerset, Dorchester, Worcester and Caroline, the fifth; and Frederick, Washington and Montgomery, the sixth district. . . .

VII. AND BE IT ENACTED, That every person coming to vote for representatives for this state in the congress of the United States, shall have a right to vote for six persons, one whereof shall be a resident of each of the said districts, and the candidate in each district having the greatest number of votes of all the candidates residing in that district, shall be declared to be duly elected for that district. . . .

XIII. AND BE IT ENACTED, That if a vacancy or vacancies shall happen in the representation of this state in the house of representatives in the congress of the United States, by death, resignation, disqualification, or otherwise, the governor and council shall issue writs of election to the several counties in this state, the city of Annapolis and Baltimore-town, to fill such vacancy or vacancies by an election of a representative or representatives residing in the district or districts where such vacancy or vacancies shall happen, in the manner herein before prescribed. . . .

Georgia Act of Jan. 23, 1789, p. 247:

An Act For appointing the times, manner and places for representatives in Congress.

In order on the part of this State to carry into effect the Constitution of the United States of America. Be it enacted by the freemen of the State of Georgia in general Assembly met and it is hereby enacted by the authority

of the same that the elections in this State for members of the House of Representatives in Congress of the United States shall be held in the manner following, that is to say, this State shall be and is hereby declared to be divided into three districts [T]he manner of electing three members for Representatives of the State shall be, that every man shall ballot three persons, one subj. of which shall be a resident of three years standing in the district such constituent resides in; and the other two persons to be balloted for by such voter shall be residents of like standing of the other two separate districts: that is to say, there shall be one candidate balloted for by every voter who is an inhabitant of each separate district so that each district in the State may be properly, impartially and effectively represented. . . .

North Carolina Act of Dec. 16, 1789, ch. 1:

An Act directing the Manner of electing Representatives to represent this State in Congress.

I. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That until an actual census be made, this state shall be divided and laid off into five divisions: . . . each of which divisions shall be entitled to elect and send one Representative to the Legislature of the United States; and the person elected in each division shall be a resident or inhabitant of the division for which he is elected, during the space or term of one year before, and at the time of election. . . .

Virginia Act of December 26, 1792, ch. 1:

An ACT for arranging the Counties of this Commonwealth into Districts to choose Representatives to Congress. . . .

SEC. II. AND be it further enacted, That the persons qualified by law to vote for members to the House of Delegates in each county and corporation composing a

district, shall assemble at their respective county court-houses, on the third Monday in March next, and also on the third Monday in March in every second year thereafter, and then and there vote for some discreet and proper person, being a freeholder and resident within such district, as a member of the House of Representatives for the United States.

Tennessee Act of Aug. 3, 1796, ch. 1:

An ACT *directing the mode of electing one representative to represent this State in the Congress of the United States. . . .*

Sec. 2. *Be it enacted*, That the person elected shall have been a citizen or resident of this state, three years next immediately preceding the day of election: *Provided*, That this shall not be construed to extend to any person who was a citizen or resident of this state at the time of making the constitution thereof.

IN THE
SUPREME COURT OF ARKANSAS

No. 93-1240

U.S. TERM LIMITS, INC., *et al.*,
Appellants,

v.

BOBBIE E. HILL, *et al.*,
Appellees.

On Appeal from the Circuit Court
of Pulaski County
Honorable Chris Piazza, J.

AFFIDAVIT OF JAMES S. FAY

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) ss.:

James S. Fay, being first duly sworn, deposes and says:

1. I am Professor of Political Science at California State University, Hayward. I have held this appointment since 1970. I have also taught Election Law on the adjunct faculties of the University of California Hastings College of Law, and the University of San Francisco School of Law.

2. I hold the bachelor of arts degree from Georgetown University, a masters degree in political science from the

New School for Social Research, a Ph.D. in political science from the University of Michigan, and a J.D. from the University of California Hastings College of Law. I have published many articles regarding campaigns, elections, and election law and was the editor of the first six editions of the *California Almanac* from 1984 to 1993. A listing of my publications and other facts about my background are contained in my curriculum vitae, which is attached hereto as Exhibit A. I have studied political campaigns and electoral behavior throughout my 23 years as a professor.

3. I have reviewed Amendment 73 to the Constitution of Arkansas and documentation concerning prior write-in candidacies.

4. It is my conclusion based on my years of professional study of the election process in the United States that, although a write-in candidacy is more difficult to win than one in which a candidate's name is on the ballot, it is far from impossible for a write-in candidate to win, especially if the write-in candidate has substantial name identification. This is no less true under Amendment 73 than in other write-in procedures. Members of the U.S. House of Representatives who have served 6 years, and Senators who have served 12 years, almost invariably have high name identification among their constituents.

5. Most write-in candidacies in the past have been waged by fringe candidates, with little public support and extremely low name identification. In instances when write-in candidates have been well known, however, they often have been successful. For example, there have been at least six successful modern write-in candidacies for Congress.

a. Dale Alford twice won election by write-in to the United States House of Representatives in Little Rock, Arkansas. In 1958 he defeated the regular Democratic nominee, Brooks Hays, whose name was on the ballot, by a tally of 30,739 votes to 29,483 votes. In 1960 he

ran again and defeated L. J. Churchill, whose name was on the ballot, by 57,617 write-in votes to 12,054 votes.

b. Charles Curry was elected to the House when he received 53.7 percent of the vote in California's third district in 1930.

c. In 1954, Strom Thurmond was elected to the United States Senate from South Carolina. He defeated the regular Democratic nominee, Edgar A. Brown, by a vote of 143,444 write-ins to 83,525 votes for Mr. Brown, whose name was printed on the ballot.

d. In 1980, Joseph R. Skeen of New Mexico defeated the regular Democratic nominee, David W. King, and secured a seat in the House of Representatives. Although King was the only candidate whose name was on the ballot, Skeen received 61,564 write-in votes to 55,085 votes for King. A third candidate, Dorothy Runnels, received 45,343 write-in votes, meaning that almost twice as many write-in votes were cast than the number of votes for the only candidate on the ballot.

e. In 1982, Ron Packard of California won a write-in campaign for the House, defeating both the Democratic and Republican nominees, both of whose names were printed on the ballot. The vote was 66,444 write-ins for Packard, 57,995 votes for the Democratic nominee, Roy Archer, and 56,297 votes for the Republican nominee, Johnnie R. Crean.

6. In addition to these successful candidates for Congress, several presidential candidates with substantial name recognition have won statewide primaries through write-in candidacies. For example, in 1992 Ross Perot won the Democratic primary in North Dakota through a write-in candidacy. In 1968, Lyndon Johnson won the New Hampshire Democratic primary by write-ins. In 1964, Henry Cabot Lodge won the New Hampshire Republican primary through write-ins. And in 1960 John F. Kennedy won the Illinois, Massachusetts, and Pennsyl-

vania Democratic primaries, and Richard Nixon won the Massachusetts and Nebraska Republican primaries through write-in candidacies. Between 1916 and 1956 there were 21 other instances in which a write-in candidate won a Democratic or Republican presidential primary.

7. In addition, there have been at least five candidates elected to state legislatures in the past 20 years through write-in votes. Those include: Dan Burleson in West Virginia in 1974, Richard Harper in Kansas in 1978, Ernie Chambers in Nebraska in 1988, Jack Stump in Virginia in 1989, and Mark W. Dailey in Rhode Island in 1990.

8. These successful write-in candidacies demonstrate that when a write-in candidate is well-known and well-funded, it is quite possible for him or her to win an election.

9. Incumbent Members of Congress enjoy many advantages in seeking re-election. Those advantages would make it much easier for a long-term incumbent to wage a write-in candidacy than it would be for a political unknown. Someone as well known as Congressman Ray Thornton, for example, would not face the difficulties faced by the vast majority of write-in candidates. To the best of my knowledge, other than Dale Alford who twice won write-in candidacies, only one incumbent Congressman ever has run for re-election as a write-in. That was Philip J. Philbin from Massachusetts in 1970. He was defeated in his party primary, but decided to run as a write-in candidate and received a substantial share—26.7 percent—of the vote.

10. The typical write-in incumbent almost certainly will have a higher name recognition, more sophisticated campaign skills, ongoing endorsements from political allies and newspapers, a well-honed talent for working the media, the good will of constituents, and a much larger campaign fund than the non-incumbents on the ballot. The need for voters to remember the name and

necessary information to write-in on a ballot is easily satisfied by an intelligently run write-in campaign. Given a choice, any rational candidate would prefer to be a well-known incumbent write-in candidate rather than a political novice who happens to have his or her name printed on the ballot.

/s/ James S. Fay
JAMES S. FAY

Subscribed and sworn to before me this 9th day of
February 1994:

Timothy G. Gannon
Notary Public—California
Alameda County
Comm. Expires Jan. 3, 1997

[Filed Feb. 8, 1994]

IN THE
SUPREME COURT OF ARKANSAS

No. 93-1240

(Title Omitted in Printing)

**MOTION OF APPELLANTS U.S. TERM LIMITS, INC.,
ET AL. FOR LEAVE TO FILE EXHIBITS
TO REPLY BRIEF**

U.S. Term Limits, Inc., Frank Gilbert, Greg Rice, Lon Schultz, and Spencer Plumley ("USTL"), appellants herein, respectfully move that the Court accept for filing the exhibits attached to the reply brief tendered by USTL on February 7, 1994. The grounds for this motion are more fully stated in the accompanying Memorandum of Authorities.

Respectfully submitted,

JOHN G. KESTER
TERRENCE O'DONNELL
DENNIS M. BLACK
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(501) 374-7100

By /s/ Sandra Jackson
SANDRA JACKSON

*Attorneys for Intervenors
Appellants U.S. Term
Limits, Inc., et al.*

February 8, 1994

OFFICE OF THE CLERK
SUPREME COURT OF THE STATE OF ARKANSAS
ARKANSAS COURT OF APPEALS
JUSTICE BUILDING
625 Marshall Street
Little Rock, AR 72201

February 14, 1994

H. William Allen
Attorney at Law
212 Center St., Suite 950
Little Rock, AR 72201

John G. Kester, Terrence O'Donnell
and Timothy D. Zick
Attorneys at Law
725 12th St., N.W.
Washington, D.C. 20005

RE: 93 01240 U. S. TERM LIMITS INC. ET AL v.
BOBBIE E. HILL ET AL

Gentlemen:

The Arkansas Supreme Court made the following orders today in the above styled case:

"Motion of appellants U.S. Term Limits, Inc. et al. to supplement the record is granted. Motion of appellants and cross-appellees U.S. Term Limits, Inc., et al. to dismiss cross-appeal is denied. Motion of appellants U.S. Term Limits, Inc., et al. to file exhibits in reply brief is granted. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating."

Sincerely,

/s/ Leslie W. Steen
LESLIE W. STEEN
Clerk

* * * *

ARKANSAS SUPREME COURT
PROCEEDINGS OF MARCH 14, 1994

PER CURIAM ORDERS

REHEARING DENIED: Petitions for rehearing are denied today in the following cases.

* * * *

93-1240. U. S. Term Limits, Inc., et al. v. Bobbie E. Hill, et al., from Pulaski Circuit. Petition of State of Arkansas *ex rel* Attorney General Winston Bryant. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright and Gerald Brown join. Special Justice Carl McSpadden would grant. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.

93-1240, U. S. Term Limits, Inc., et al. v. Bobbie E. Hill, et al., from Pulaski Circuit. Petition of U. S. Term Limits, Inc., et al. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright, Gerald Brown, and Carl McSpadden join. Hays, J., would grant. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.

93-1240. U.S. Term Limits, Inc., et al. v. Bobbie E. Hill, et al., from Pulaski Circuit. Petition of Senatorial Unified Members. Special Chief Justice George K. Cracraft and Special Justices Ernie Wright and Gerald Brown join. Special Justice Carl McSpadden would grant. Holt, C.J., and Newbern, Glaze, and Corbin, JJ., not participating.

* * * *

SUPREME COURT OF THE UNITED STATES

No. 93-1456

U.S. TERM LIMITS, INC., *et al.*,
Petitioners

v.

RAY THORNTON, *et al.*

ORDER ALLOWING CERTIORARI

Filed June 20, 1994

The petition herein for a writ of certiorari to the Supreme Court of Arkansas is granted. This case is consolidated [with] No. 93-1828, *Winston Bryant, Attorney General of Arkansas v. Bobbie E. Hill, et al.* and a total of one hour is allotted for oral argument.

June 20, 1994

SUPREME COURT OF THE UNITED STATES

No. 93-1828

WINSTON BRYANT,
Attorney General of Arkansas,
Petitioner

v.

BOBBIE E. HILL, *et al.*

ORDER ALLOWING CERTIORARI

Filed June 20, 1994

The petition herein for a writ of certiorari to the Supreme Court of Arkansas is granted. This case is consolidated with No. 93-1456, *U.S. Term Limits, Inc., et al. v. Ray Thornton, et al.* and a total of one hour is allotted for oral argument.

June 20, 1994